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STATE OF CALIFORNIA  
COASTAL COMMISSION

ORIGINAL  
Volume 2 of 2  
Pages 204 - 410

TRANSPORTATION CORRIDOR	)	
AGENCIES (TCA);	)	
SOUTHERN ORANGE COUNTY &	)	Consistency Certification
NORTHERN SAN DIEGO COUNTY	)	No. 018-07

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday  
February 6, 2008  
Agenda Item No. 8.b.

Del Mar Fairgrounds  
Wyland Hall  
2260 Jimmy Durante Boulevard  
Del Mar, California



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Bonnie Neely, Vice Chair  
Khatchik Achadjian  
Steve Blank  
William A. Burke  
Larry Clark  
Steven Kram  
Mike Reilly  
Mary Shallenberger  
Sara Wan  
  
Will Kempton, Business, Transportation, &  
Housing Agency  
Michael Chrisman, Resources Agency

STAFF

Peter Douglas, Executive Director  
Hope Schmeltzer, Staff Counsel  
Mark Delaplaine, Federal Consistency Manager  
Dr. Jonna Engel, Staff Environmental Scientist  
Sarah Townsend, Coastal Staff Analyst  
Dr. Jack Gregg, Environmental Specialist  
Cassidy Teufel, Coastal Staff Analyst

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1                   **CHAIR KRUER:** Thank you, very much.  
2                   Councilmember Sam Allevato, and then Councilmember  
3                   Jerry Hmante.

4                   **MR. ALLEVATO:** Good evening, Chair, and  
5                   Commissioners. My name is Sam Allevato. I am city  
6                   councilman and former mayor for the historic City of San Juan  
7                   Capistrano.

8                   I am here to strongly support the completion of  
9                   the 241. We, as an historic town, need an alternative to the  
10                  I-5. As you have already heard, the ranch project has  
11                  approved 14,000 dwelling units directly to the east of my  
12                  city. This is right in our back yard. Without the  
13                  completion of the 241, the only alternative for them to reach  
14                  the I-5 is through the scenic Ortega Highway, which is  
15                  currently a 2-lane windy road. We have no other alternative  
16                  to the 5.

17                  With those dwelling units, without another way to  
18                  travel north and south, they will travel through my town,  
19                  through the Ortega Highway, with residential properties on  
20                  both sides of the Ortega Highway.

21                  What is happening now is that on weekends,  
22                  usually, the 5 backs up, people get very frustrated, and in  
23                  an effort to get off of the gridlock they go onto our  
24                  arterial streets. They choose streets, like Camino  
25                  Capistrano, which are primarily 2-lane roads that date back



1 to Father Serra's time. We have no areas in our town to  
2 widen our streets. Our streets, like I said, are historical,  
3 and any widening usually involves disruption of Native  
4 American artifacts and burials.

5 Conditions are especially bad on our weekends, and  
6 many of our residents are deterred from going downtown  
7 because of our gridlock downtown, and also it discourages our  
8 visitors that come to visit the historic Mission San Juan  
9 Capistrano, the jewel of the California Missions.

10 If Interstate 5 were to be widened through my  
11 city, there would be tremendous impacts to historic Native  
12 American sites, and burial grounds, that we have in San Juan  
13 Capistrano, let alone the businesses and homes that will be  
14 taken.

15 I know that the 241 has worked to go around  
16 ceremonial sites, my Juaneno neighbors, of the Acjachemen  
17 Nation, will speak to you, and I ask you to listen to their  
18 leaders.

19 As a life long surfer, I appreciate the desire for  
20 an uncrowded beach, but I think that the genesis for a lot of  
21 the resistance to building the 241 is rooted in an intense  
22 localism among the surfing community. I guess, if truth were  
23 to be told, the popular bumper sticker should read, "Save  
24 Trestles, Stop the 909ers."

25 **CHAIR KRUER:** Thank you, sir.



1                   **MR. ALLEVATO:** Thank you for your time, sir.

2                   **CHAIR KRUEER:** Joe O'Campo, Native American  
3                   electives.

4                   **MR. O'CAMPO:** Mr. Chairman, and members of the  
5                   Commission, my name is Joe O'Campo, and I am the Chairman of  
6                   the Juaneno Band of Mission Indians, the Acjachemen Nation.

7                   I come before you to address the concerns that are  
8                   inherent within our Band, regarding the extension of the  
9                   Foothill South 241 toll road.

10                  How concerned is the Commission if by granting a  
11                  favorable response, that you are violating the *Coastal Act*,  
12                  civil rights, and above all, the encroachment on our sacred  
13                  land. Our sacred land is just a small spot in the Panhe  
14                  area. Panhe, at one time, encompassed San Clemente, all of  
15                  the creek area, and it took in hundreds of acres, and now we  
16                  are merely using, mind you, 5 acres.

17                  When I talk about Indians, Indian groups, I am not  
18                  a part of -- or we are not a part of the casinos, making  
19                  hundreds of millions dollars, that is not us. I don't think  
20                  that we have a -- ours is a very, very -- well, we only exist  
21                  within donations of people within our own tribal council,  
22                  nothing else.

23                  So, I think that it seems to me that you should  
24                  not be content with taking our lands. As a matter of fact,  
25                  you guys are trying to run a toll road through our Indian



1 land, which at one time encompassed, of course, all of  
2 California. And, now we have to come to you with hat in  
3 hand, to say, please allow us to continue to have our sacred  
4 lands that we can come and pay tribute to those who are  
5 buried there. That is a shame.

6 I know that in 1860, California legislature passed  
7 a law, and put a bounty on our heads, but look around, folks,  
8 we are still here.

9 I, and my family, have given our all to this  
10 country. I am a veteran of World War II. I served in the  
11 Korean conflict. My brother was awarded a high medal for his  
12 --

13 CHAIR KRUEER: Mr. O'Campo.

14 MR. O'CAMPO: My time has about run?

15 CHAIR KRUEER: Yes, and but we are glad you are  
16 here.

17 MR. O'CAMPO: Let us, once again, then ask that  
18 you look upon us favorably, and that you forget the idea of  
19 running a toll road through our sacred grounds.

20 Thank you for your patience.

21 CHAIR KRUEER: Thank you, sir, thank you.

22 Joyce Perry, and Jerry Hmante.

23 MR. HMANTE: I am happy to wait my turn. Thank  
24 you, Mr. Chairman, Jerry Hmante. I am the mayor of the City  
25 of Tustin, known as the city of trees.



1           Commissioners, we appreciate your roll in the  
2 protection of access to our coast, the present coast, that is  
3 truly a resource for all Californians. Everyone associated  
4 with the 241 recognizes the preciousness of our coast, and  
5 wants all Californians to have access to it.

6           Commissioners, building a road in or near the  
7 coast is not a hostile act, rather, it is a necessary act.  
8 Everyone in this room needs roads. Each of us got here, most  
9 likely, by roads. They move our people. They move our  
10 goods. They create economic opportunity. They allow  
11 students to learn, and they allow access for our citizens to  
12 our precious resources and parks, including those along our  
13 coast.

14           We seem to have lost sight of the fact that we  
15 need roads to reach the coast. No one who surfs Trestles  
16 jumps out of the train across the trestle onto the beach,  
17 surf board in hand, or children in hand with their beach  
18 gear, rather they get there by road and then walk the trails.

19           We know we need roads and then the question is how  
20 do we build them in a way that is responsible, responsible to  
21 those citizens who then own them, responsible to those who  
22 will be affected by them, and responsible to the environment.

23           I tell you, Commissioners, that the TCA has a  
24 legacy of being great environmental stewards, and building  
25 them in just that way. They have restored acreage of coastal



1 sage scrub which have restored the opportunity for breeding  
2 pairs of gnatcatchers. They have, in fact, built roads in  
3 environmentally sensitive way, avoiding wetlands, and this  
4 alignment does just that. The planning of this road was  
5 conducted in a thorough way, and collaborative.

6 I am the mayor of a city, and like you, when we  
7 have to review an item, my colleagues and I receive reams of  
8 paper, tons of staff reports, and lots of analysis, and often  
9 testimony, some with unbridled passion. As someone who faces  
10 the responsibilities that you face, I ask you to consider  
11 this matter, weighing the science, the facts, and the data  
12 you receive, and reasonably balancing that against your role  
13 to provide access to the coast.

14 I ask you to give this coastal consistency  
15 certification to the toll roads. I ask you, to give access  
16 to Californians to their coast.

17 Thank you.

18 **CHAIR KRUEER:** Thank you, sir.

19 Joyce Perry, Native Indians, elector.

20 **MS. PERRY:** [ Tribal Greeting ]

21 My name is Joyce Stanfield Perry, and I represent  
22 the Juaneno Band of Mission Indians, Acjachemen Nation, under  
23 the leadership of Chief and Chairman David Galarda. I am the  
24 tribal manager and cultural resource director of our tribe.

25 Today, I am going to address two subjects: our



1 tribal beliefs, pertaining to sacred space, and the laws in  
2 which our beliefs are revered.

3 Our roots come from ancient villages, such as  
4 Tobay, Sauchy, Panhe Hechme, and Bushme [ sic. ]. Today, we  
5 know these regions as Rancho Mission Viejo, San Mateo,  
6 Trestles, Rancho Santa Marguerita, and Camp Pendleton.

7 Generations of Acjachemen have lived here, and  
8 continue to live in these places of origin. To us, the land  
9 is not incidental, or an irrelevant place of economic value,  
10 but the land is appreciated for its connection to our past  
11 generations, events and oral histories.

12 This history reflects knowledge that has been  
13 passed down from the beginning of time. The state and  
14 federal laws on the other hand, require our tribe to evaluate  
15 our places of origin as cultural resources, under such laws  
16 as 34CFR Part 800 of the *National Historic Preservation Act*.

17 The regulations require agencies to make a  
18 reasonable and good faith effort to consult with us, to  
19 identify our concerns surrounding the project, and then come  
20 up with a mitigation plan based on the impacts.

21 The toll road will have impacts on our places of  
22 origin. Clearly, our position is total avoidance of any  
23 impacts. However, I present to you the following facts: our  
24 tribe has been working, and will continue to work with the  
25 Transportation Corridor to identify and reach an agreement on



1 various other details that will protect our tribe's interests  
2 and sacred lands.

3 Additionally, we would ask that one of the  
4 conditions that would be mandated of the Transportation  
5 Corridor, is to execute a treatment and disposition agreement  
6 with out tribe, that includes significant mitigation measures  
7 to protect known, and inadvertently encountered discoveries,  
8 including, at a minimal, impartial tribal monitoring.

9 Lastly, as stewards of the land, we trust that the  
10 goal of this Commission is to represent a balance between  
11 competing interests and priorities.

12 [ Tribal words of conclusion ]

13 **CHAIR KRUER:** Thank you.

14 Anthony Rivera, chairman of the Juaneno Band of  
15 Mission Indians, San Juan Capistrano.

16 **MR. RIVERA:** [ A Tribal Greeting ]

17 Honorable Chairman, and members of the Commission,  
18 I am Chairman Anthony Rivera. I am here as spokesman  
19 representing the Tribal government authority, and people of  
20 the Juaneno Band of Mission Indians, Acjachemen Nation.

21 I was accompanied today by other government  
22 officials, Vice Chairwoman Fran Yorba, and Councilman Chris  
23 Emlobo. We are the official voice for the tribe, with the  
24 statements spoken today, there is no staff, no individual, no  
25 agency that speaks in behalf of our tribe. We are the



1 original inhabitants of the coastal region of Orange County  
2 and northern San Diego County. Our ancient village site,  
3 Panhe, is an important area to our tribe's history and  
4 culture, my own great great grandparents were born and lived  
5 in this area.

6 The tribe has been involved in mitigation measures  
7 with various projects, including other toll roads, so this  
8 issue is nothing new to us. Projects such as the 73 toll  
9 roads, certified projects on coastal areas, such as  
10 Marblehead in San Clemente, the Headlands at Dana Point,  
11 Newport Coast in Newport Beach, and Bolsa Chica in Huntington  
12 Beach.

13 As the Tribal government, it is our duty to work  
14 government to government to be fully informed, that they have  
15 serious dialogue with other government agencies, and  
16 entities, in regard to impacts on our valued cultural  
17 resources.

18 The Tribal government has been working with TCA on  
19 cooperative dialogue, to implement the mitigation measures  
20 already identified, and to reach agreement on further details  
21 to protect the Tribe's cultural interests and sacred lands.

22 Our Tribe's ability to work together on possible  
23 resolutions of concerns enables us to play a direct role in  
24 the mitigation and management of our resources. Through this  
25 process, TCA is assisting the Tribe in documentation of our



1 resources and our history.

2 We believe that the proposed project represents a  
3 balance between competing interests and priorities with the  
4 design and mitigation included in the project. We believe  
5 that the project meets the Coastal Commission's test for the  
6 least environmentally damaging feasibility alternative to  
7 coastal resources.

8 We disagree with the staff report statements that  
9 additional information is needed on this issue, and that the  
10 mitigation is not reasonable. Contrary to the staff report,  
11 there is more than adequate information. We urge the  
12 Commission's concurrence with the TCA's consistency  
13 certification, and to allow our Tribal government to move  
14 forward with support of both traffic relief, and cultural  
15 projects that we must complete.

16 Thank you, we have statements and documents that  
17 we would like to submit to the Commission.

18 **CHAIR KRUEER:** Please give them to the staff.

19 **MR. RIVERA:** Thank you, very much.

20 **CHAIR KRUEER:** Thank you, sir, thank you very much  
21 for testifying.

22 Councilmember Diane Harkey, City of Dana Point,  
23 and then, Joel Lautenschlegger.

24 **MS. HARKEY:** I am Diane Harkey, City of Dana Point  
25 Councilmember, and former mayor. I have been a resident of



1 Dana Point for over 30 years, Commissioners, and we take  
2 ocean water quality very seriously, in our city, and our  
3 beaches. Our Salt Creek ozone treatment facility received  
4 national acclaim, and has reduced pollution postings to  
5 almost zero.

6 We promote diversions to the sewer system for  
7 roadway pollution which used to run to the ocean. We have  
8 literally devoted millions of dollars from our tiny little  
9 city to replace aging infrastructure, as well as access  
10 grants and studies to determine sources of pollution at  
11 Doheny Beach. Our Ocean Institute, of which I am a board  
12 member, is earning state and national recognition for  
13 educating over 100,000 lower school children, annually, in  
14 marine biology, to become better stewards of our ocean.

15 So, for our little 6 square miles, and our 7 miles  
16 of coastline, we put our money where our mouth is, and we  
17 take our ocean, our beaches, very seriously.

18 Now, I understand -- I have some constituents back  
19 here, and I will tell you I understand the park's use and the  
20 surfers' concerns. They truly feel that their park, or their  
21 beach will be disturbed, and they want to keep their little  
22 haven to themselves. I have often that way about my  
23 community, but I am convinced that the toll road will not  
24 disturb the park or Trestles, but it will improve access to  
25 these facilities, and to other more user friendly beaches.



1                   And, this project intersecting east to the I-5  
2 will improve the ocean water quality in their favored surf  
3 spot, by diverting and treating the polluted storm water that  
4 presently drains from I-5 to San Mateo and San Onofre Creeks,  
5 and hence to the ocean.

6                   The 241 will improve water quality and be required  
7 to follow strict BMPs, as you know, and water monitoring  
8 approved by the Regional Water Quality Board. I think the  
9 surfers, and all of us, will benefit.

10                  We have heard many horror stories from the  
11 opposition, but one impact is assured. Many of our cities  
12 are built out, and travelers from surrounding areas impact  
13 our neighborhoods and our quality of life on a daily basis.  
14 We have no where to route this traffic. You have heard the  
15 demographic studies, and you know that gridlock, air quality,  
16 and pollution to the oceans will only get worse.

17                  We love our neighborhoods. We love our beaches.  
18 I would like you to help us to work with you to provide  
19 safer, more convenient access to the coast, while preserving  
20 all that is unique about California.

21                  I respectfully request that you approve this  
22 coastal consistency request, and save our neighborhoods, save  
23 our environment, reduce beach pollution, and by all means  
24 save the park and save Trestles.

25                  Thank you, for your consideration.



1                   **CHAIR KRUEER:** Thank you, Ma'am.

2                   **MR. LAUTENSCHLEGGER:** Mr. Chairman, and member of  
3 the Commission, I am Joel Lautenschlegger, Mayor pro-tem of  
4 the City of Laguna Hills, and vice chairman of the San  
5 Joaquin Hills Transportation Corridor Agency, that oversees  
6 the 73 toll road, this is the agency that is a sister agency  
7 to Foothill Eastern.

8                   As the longest serving member on the 73 toll road,  
9 and an original city councilmember since 1991. I can speak  
10 from experience, as to the widespread commitment to the  
11 environment, and the widespread need for this toll road.

12                  There is widespread support in Laguna Hills, as  
13 all previously elected and present councilmembers have run on  
14 a platform of supporting the completion of the toll road  
15 system, and have supported the toll roads by 5 to 0 votes  
16 since Laguna Hill incorporated in 1991. Even knowing the  
17 route, there is widespread support from our 35,000 citizens  
18 who want to see traffic relief, and see this road built.

19                  I have also witnessed and can speak with  
20 experience about our longstanding commitment to good  
21 environmental stewardship on this road. Let me share with  
22 you some of the facts and history about that.

23                  Since the toll roads have been permitted,  
24 environmental programs including state-of-the-art technology,  
25 and habitat revegetation, habitat conservation, and



1 management, and endangered species protection, all without  
2 taxpayers dollars.

3 We have set aside more than 2,000 acres of open  
4 space, that will be preserved forever in Orange County. This  
5 land represents 15 different locations, for we have created,  
6 or set aside wetlands, riparian lands, coastal sage scrub,  
7 and salt water marsh habitat. The land is part of the  
8 central coastal natural communities conservation plan, the  
9 NCCP. This includes more than 38,000 acres of habitat in  
10 Orange County.

11 Recently, we just counted at least 75 baby  
12 gnatcatchers along the 73 toll road, a significant increase  
13 of this threatened species. And, more than 40 species of  
14 birds and mammals, such as coyotes, bobcats, and mountain  
15 lions are using this habitat.

16 We have also committed financial support to assure  
17 the long term viability of these habitats. We contributed \$6  
18 million of a \$10 million dollar endowment fund that will  
19 allow the management of these lands into perpetuity.

20 With the record of environmental stewardship, and  
21 the wide spread support for traffic relief in south county, I  
22 must impress upon you that this road will deal with  
23 unprecedented sensitivity to the environment.

24 Earlier, you were shown a slide and told by your  
25 staff, of the degradation of the hillsides by erosion on the



1 73. This did not contribute to what they said was a  
2 devastation of the sediment in Crystal Cove. I was there  
3 that year. This was back in 1996 and '97, when we had a  
4 50-year rain on that. That was caused by disastrous rains,  
5 and hillside fires through the canyons --

6 CHAIR KRUEER: Sir, your time is up.

7 MR. LAUTENSCHLEGG: -- on that.

8 On behalf of my councilmembers, I ask you to  
9 approve the consistency certification.

10 Thank you.

11 CHAIR KRUEER: Okay, Councilmember Peter Herzog,  
12 Councilmember Carmen Care.

13 MR. HERZOG: Thank you, Mr. Chair. My name is  
14 Peter Herzog. I am the Mayor pro-tem of the City of Lake  
15 Forest, a city of 78,000 who strongly supports the completion  
16 of the 241 corridor.

17 Today, you have heard a lot of comments about how  
18 widely used the San Onofre State Park is, and according to  
19 the statistics published by the State of California State  
20 Parks and Recreation Department, it confirms what Senator  
21 Kehoe's aid indicated, was that over 2.3 million of those  
22 people who use the park, use the coastal side, the side  
23 opposite from where the 241 corridor will be. Only 6 percent  
24 -- and that is the "day use" as it is called. Only 6 percent  
25 use this park for camping, and that is 2 camp sites, San



1 Mateo site, which is the focus of the opposition, indicating  
2 it would destroy it, supposedly, and then there is sub-unit  
3 4, or the bluffs, where the remaining portion of that 6  
4 percent camps.

5 I found it interesting that Ms. Goldstein, from  
6 the Parks Foundation, indicated that if you allow the 241 to  
7 be built, where it is designed, which does not take out any  
8 camp sites, that it would, quote, render it valueless --  
9 referring to the San Mateo camp site.

10 Well, let's not listen to what TCA has to say, and  
11 let's not listen to what our opponents had to say, let's look  
12 at the history of this park. Sub-unit 4 has been there for  
13 many, many years. Sub-unit 4 has been used for camping for  
14 many, many years, and in fact as all the opponents say, is  
15 very widely used, and very loved as a camping site. Well,  
16 the fact of the matter is, it is immediately adjacent to I-5,  
17 and as you have heard from everybody, and as admitted, the  
18 most heavily used transportation corridor between San Diego  
19 and Orange County, there is traffic there. No sound wall.

20 Immediately adjacent is a train track, the main  
21 train run between San Diego and Orange Counties, there is  
22 noise from trains. No sound walls.

23 Immediately adjacent is a nuclear power plant, yet  
24 the people of California have indicated that this park is of  
25 value, they do use it, and they will continue to use it.



1           And, in fact, the State of California has  
2 indicated it has a value, because those infrastructure  
3 amenities that I have indicated are there, were there when  
4 they built the park. The State of California has indicated  
5 that there is enough value to build the park, closer, a camp  
6 site closer to a main arterial I-5 than the 241.

7           And, when you look across then, to where over 94  
8 percent of the people go, you have got a nuclear power plant  
9 next to the surfing beach, then a military training access  
10 beach, and then on all of those, you still have the train  
11 track and the I-5.

12           So, look at the history of this park, the history  
13 of this park shows that roads are consistent, and can be  
14 consistent with camping, and are consistent, and can be  
15 consistent with 2.5 million people coming to that park. They  
16 will still come. There is no need, sir -- the comments about  
17 that this would destroy this park.

18           I appreciate your time, and certainly would look  
19 forward to your vote to approve the coastal consistency.

20           **CHAIR KRUEER:** Thank you, sir.

21           Councilmember Carmen Care, Councilmember Lucille  
22 Cring, the City of Anaheim, after that Councilmember Lisa  
23 Bartlet, Dana Point.

24           **MS. CRING:** Good evening members of the Coastal  
25 Commission, my name is Lucille Cring, and I am a



1 councilmember from the City of Anaheim, and I urge a "Yes"  
2 vote on the extension of the 241.

3 Anaheim is a tourist and convention destination,  
4 and our residents and visitors, along with their products,  
5 need to be able to easily get there without being confronted  
6 by huge traffic jams.

7 As many of the residents of Anaheim and north  
8 Orange County, know, a trip to San Diego, a distance of  
9 approximately 100 miles can take upwards of 4 to 5 hours on a  
10 holiday weekend, when you travel down the I-5. The amount of  
11 pollution from this stop-and-go traffic definitely affects  
12 the environment.

13 The San Diego Association of Governments already  
14 is working on plans to increase the I-5 in San Diego, to help  
15 with regional mobility; however, what will be accomplished if  
16 the I-5 is lightened in San Diego, and comes to a screeching  
17 halt when one crosses the OC line?

18 San Diego has the I-5, the 15, and with the  
19 addition of the 241, drivers, again will have choices,  
20 especially when and if there is a disaster, natural or  
21 manmade.

22 With over 300,000 vehicles traveling through the  
23 current system, traffic congestion is a massive problem in  
24 Southern California. It affects our climate, our residents,  
25 and our quality of life. As traffic congestion remains a



1 problem, we must pro-actively address the projected increase  
2 in population, and its effects on the quality of life for  
3 everyone.

4 The route for the Foothill South was a consensus  
5 choice for, among others, the U.S. Fish and Wildlife Service,  
6 the EPA, CalTrans, and the Federal Highway Administration.  
7 Many of these organizations made vital contributions to make  
8 certain that all environmentally concerns were addressed, to  
9 insure as little impact on wildlife and water, while  
10 providing the most effective traffic relief.

11 It has been said by many of the speakers on the  
12 opposite side that the average family and worker will not be  
13 able to afford the toll road; however, the more people who do  
14 use the toll roads and can afford them, the more room there  
15 will be on the freeways for everyone else.

16 There are groups that have been promoting the  
17 expansion of the I-5, instead of the extension of the 241. A  
18 a distance of 16 to 20 miles between San Clemente and Lake  
19 Forest, will necessitate the removal of over 800 homes, homes  
20 that where people enjoy the sanctity of life and peace and  
21 enjoyment, who are not able to sleep at night because they  
22 fear that somebody will come and take their homes by imminent  
23 domain.

24 And, what about the businesses that need to be  
25 relocated? what about the good will that they have gained



1 over many years? Many of these are mom and pop businesses,  
2 that have motels and restaurants that allow visitors and  
3 their families to the beach area, to enjoy themselves without  
4 paying a fortune for lodging and food. Where do these  
5 businesses go? out of business when taken by imminent domain.

6 And, what about the -- as I mentioned -- the  
7 families with the American dream to own your own home, it  
8 becomes your sanctuary?

9 So, please the 241 does not take any homes or --

10 **EXECUTIVE DIRECTOR DOUGLAS:** Mr. Chairman, time --

11 **CHAIR KRUEER:** Time is up, thank you, very much.

12 **MS. CRING:** Thank you, very much, please vote  
13 "Yes", thank you.

14 **CHAIR KRUEER:** Councilmember Bert Hack, Council-  
15 member Jim Thor.

16 **MS. BARTLETT:** Did you call me?

17 **CHAIR KRUEER:** You are next, go ahead, come on up.

18 **MS. BARTLETT:** Thank you, good evening, I am Lisa  
19 Bartlett, and I am the Mayor pro-tem of the City of Dana  
20 Point, which is a beautiful coastal city.

21 I urge you today to approve the consistency  
22 certification for the extension of State Route 241. Today,  
23 especially during rush hour, and on weekends, it is a  
24 challenge getting around the south Orange County area, and  
25 getting in and out of Dana Point is even worse, due to the



1 routine traffic congestion on the I-5 freeway.

2 The traffic congestion deters visitors to our  
3 city, and our wonderful coastal amenities, such as Dana Point  
4 Harbor, Salt Creek Beach Park, Doheny State Beach, and the  
5 Ocean Institute.

6 The 241 extension will create an inland parallel  
7 route to Interstate 5, a critical alternate route for  
8 southern Orange County, as well as Southern California. It  
9 will give drivers a choice on how they access California's  
10 coast.

11 Travel times will be reduced for both people  
12 choosing to use the new toll road to access coastal  
13 communities, and users of I-5 will benefit also by reduced  
14 travel time. In fact, without the extension, peak travel  
15 time on I-5 will grow to an hour along this 16-mile stretch  
16 through south Orange County by 2025. With the 241 extension,  
17 that same trip will take only 25 minutes.

18 I know that the issue before you today is if the  
19 environmentally and wetland issues associated with building  
20 in the coastal zone balance with the benefits the project  
21 will have for Californians. This project will benefit  
22 millions of Californians, the millions of Californians who  
23 vacation at our beaches, the millions of Californians who  
24 camp in our state parks, and the millions of people who love  
25 to live, work, and play in this wonderful state.



1           Transportation options are critical to our quality  
2 of life. Please vote against staff's recommendation to deny  
3 this project a consistency certification.

4           Thank you, very much, for your time and  
5 consideration.

6           **CHAIR KRUEER:** Thank you, for your testimony.  
7           Councilmember Bert Hack, and then Councilmember  
8 Jim Thor.

9           **MR. HACK:** My name is Bert Hack. I am the Mayor  
10 of the City of Laguna Woods. I also sit on SCAG, the  
11 Southern California Association of Governments, where I sit  
12 on the Regional Planning Authority.

13           We have planned for over 20 years that this road  
14 be part of the development of transportation in Orange  
15 County, and we currently have in our drafting the current  
16 regional transportation plan, and this road is prominent in  
17 that regard.

18           You have heard continually about the need for the  
19 transportation, so I am going to speak to something just a  
20 little bit different. Most of you are aware of the spate of  
21 wildfires that just attacked Southern California, and it is  
22 in difficult times that planning either is good or bad, and  
23 public servants are either respected, or decried. How did  
24 you deal with it? how did you plan? can you cope with  
25 difficult times?



1           We had a fire that crossed the 5, up around  
2 Tustin. We blocked this, we couldn't go north through Orange  
3 County. We had a fire that we fought in the southern  
4 portion, down by Pendleton, and we blocked it. So, you can  
5 go neither north or south on the 5 for a short time.

6           When we recovered the southern portion, on the 5,  
7 we were able then to accommodate the people of San Diego  
8 County who had to be evacuated, who came up to Orange  
9 County, where we were able to put them up. So, we performed  
10 this service of being there for our neighbors in a critical  
11 time, and that is the kind of issue that is at stake here.

12           When difficult times occur, what planning have you  
13 made? are you ready to evacuate? Now, fires are one thing,  
14 tsunamis, earthquakes, oh, yes, they are unusual, but it is  
15 the unusual that becomes the issue when something occurs.

16           Not only does it matter for public safety to  
17 individuals, but if individuals can't get back and forth,  
18 then how can the transportation occur for trucks and other  
19 commercials. If we block the commercial entities, what we do  
20 is we impinge on the economy of Southern California, and  
21 since this is the driving force for the economy of the state,  
22 to not be prepared in the event of a tragedy, would be, my  
23 friends, tragic.

24           Please support this road. It is necessary, it is  
25 needed, it is good planning, thank you.



1                   **CHAIR KRUEER:** Thank you, sir.

2                   Jim Thor, Councilmember of the City of Rancho  
3 Santa Marguerita.

4                   **MR. THOR:** Good afternoon, Mr. Chairman, and  
5 Commissioner, as a councilmember for the City of Rancho Santa  
6 Marguerita, I represent the thousands of Rancho Santa  
7 Marguerita residents who are working today, and could not be  
8 here to voice their support for the extension of the 241.

9                   Well, last week, the *Orange County Register*  
10 ran a story on how the community in the south Orange County  
11 was overwhelmingly in favor of this traffic relieving  
12 project. In addition to traffic relief, once the 241 is  
13 completed, it will provide convenient access to the coast,  
14 which is one of the missions of this agency, and the reason  
15 the Coastal Commission was formed.

16                  Yet, there may be hundreds of surfers here today  
17 asking you to keep those residents from the Inland Empire,  
18 quote, unquote, and others who don't live along the coast,  
19 from what they consider their beach. But, that is no reason  
20 to deny a needed traffic relief option to the millions of  
21 Californians.

22                  Regarding San Mateo Campground, I am a camper, my  
23 family and I enjoy camping, we love beach camping, we go to  
24 Doheny a lot, and our kids enjoy it.

25                  San Mateo Campground will not eliminate a single



1 site. Personally, if it did, I would be opposed to this  
2 entire project.

3 The \$100 mitigation offered by TCA will insure the  
4 extension of this lease for San Mateo Campground, when it  
5 expires in 2021, as well as also all of the other improve-  
6 ments for the other State Parks. Yet, if there were a way to  
7 avoid the lease land over the state park, we would. But,  
8 please, question the Marines. Hopefully, they are here today  
9 to answer your questions. They own the land. Ask them if  
10 they will allow the road to go further south, further into  
11 Camp Pendleton? I assure you, this is not an option.

12 It is also not an option to go further north and  
13 losing homes in San Clemente. Those are people's homes,  
14 something I, personally, feel is very sensitive habitat.

15 This road provides relief to environmental areas  
16 in an environmentally sensitive way, and on behalf of the  
17 50,000 residents of Rancho Santa Marguerita, I implore you to  
18 reject the staff recommendation, and approve the consistency  
19 certification necessary to build this road.

20 Thank you.

21 **CHAIR KRUEER:** Thank you.

22 Jeff Miller, Mayor of Corona, Neil --

23 **MR. GLABB:** Mr. Chairman, begging your indulgence,  
24 if I could be taken out of order, my transportation will be  
25 leaving here shortly, and I would be very brief, if you would



1       indulge me.

2                   **CHAIR KRUEER:** What is your name.

3                   **MR. GLABB:** Paul Glabb, Mayor of the City of  
4       Laguna Niguel.

5                   **CHAIR KRUEER:** Okay, go ahead, sir.

6                   **MR. GLABB:** Thank you, sir.

7                   Mr. Chairman, and members, I appreciate the  
8       opportunity to speak before you. My name is Paul Glabb,  
9       Mayor of the City of Laguna Niguel, and a member of the  
10      Regional Council of the Southern California Association of  
11      Governments, the nation's largest metropolitan planning  
12      organization, covering 6 counties in Southern California, an  
13      area encompassing 187 cities, and over 18 million people.

14                  I come before you today on behalf of SCAG to urge  
15      your approval of the Foothill South Transportation Corridor,  
16      State Route 241. As the metropolitan planning organization  
17      for the Southern California region, one of SCAG's primary  
18      responsibilities is to develop and evaluate comprehensive  
19      solutions to address the region's long term transportation  
20      needs.

21                  We do this through the preparation and the  
22      adoption of the Regional Transportation Plan, the RTP, and  
23      the Regional Transportation Improvement Program, also known  
24      as the RTIP.

25                  SCAG has long recognized the need for additional



1 transportation improvements in southern Orange County since  
2 the 1980s. The Foothill South project was first programmed  
3 in the RTIP in 1991. Since that time, SCAG has rigorously  
4 evaluated this project, as well as a number of alternative  
5 transportation programs, and has concluded the project is an  
6 important and necessary component of the regional transport-  
7 ation system.

8 We are all aware of the enormous mobility  
9 challenges faced by our region. The development of a new  
10 highway capacity has not kept pace with the population  
11 growth, and growth in travel over the last 30 years. This  
12 has, of course, led to greatly increased traffic congestion  
13 affecting both personal travel, and goods movement.

14 Looking ahead, this trend will continue over the  
15 next 30 years, as we estimate that by 2030 the region will be  
16 home to some 22.9 million residents. This represents a  
17 population increase of almost 40 percent to the nation's  
18 second largest metropolitan area.

19 To put the challenge into more concrete terms,  
20 SCAG estimates that a population equivalent to two cities of  
21 Chicago will be added to the Southern California region  
22 between now and 2030.

23 Governor Schwarzenegger has acknowledged that we  
24 need user fee based financing mechanisms, such as toll roads,  
25 the use of congestion pricing, and other innovative



1 strategies if our current mobility levels are to keep from  
2 getting worse.

3 Likewise SCAG has consistently advocated for many  
4 years for innovative funding strategies to provide additional  
5 resources to improve our transportation system. Foothill  
6 South represents the final phase of the planned 67-mile toll  
7 road system in Orange County. If Foothill South is not  
8 built, we estimate the traffic conditions on Interstate 5 in  
9 South Orange County will be equivalent to conditions today on  
10 State Route 91 at the Orange County - Riverside line.

11 Implementation of the Orange County toll road --

12 CHAIR KRUEER: Sir, you have a car to catch?

13 MR. GLABB: -- is absolutely needed.

14 CHAIR KRUEER: And, you are over your time.

15 MR. GLABB: And, I thank you so much for your  
16 time, thank you, Mr. Chairman.

17 CHAIR KRUEER: And, if the gentleman with the  
18 poster in front of you would be so kind to get to the back of  
19 the room, and hold your poster up, it would be fine, thank  
20 you.

21 Jeff Miller, Mayor of Corona, Neil Blais,  
22 Councilmember of the City of Rancho Santa Marguerita.

23 MR. BLAIS: Thank you, Mr. Chairman,  
24 Commissioners, my name is Neil Blais, I am the founder and  
25 current Mayor of the City of Rancho Santa Marguerita.



1           By way of introduction, Rancho Santa Marguerita is  
2 sandwiched between Mission Viejo, and the Cleveland National  
3 Forest, South Irvine. More importantly, the 241 bisects our  
4 city and is our major transportation corridor for movement  
5 throughout Southern California.

6           Let me put our city in perspective. There are  
7 39,748 transponders registered in our city of 50,000 people.  
8 This represents a ratio of 2.4 transponders per parcel, or  
9 nearly one transponder for nearly every adult in our city.

10           In December, our residents produced nearly \$1.2  
11 million in revenue for the TCA, fully 32 percent more revenue  
12 than the next highest city.

13           I am representing my residents and our city  
14 council in urging you to support the completion of the 241  
15 toll road. There are three points that our city then  
16 considers of particular concern. They are: reduce travel  
17 time and congestion, access to southern beaches, and public  
18 safety. Many of our residents access the toll road every  
19 day, and once on the toll road we can get to any business  
20 center in Irvine, Newport Beach, Costa Mesa, within nearly  
21 one-half hour.

22           Because of the 241, we have critical access to  
23 many locations in the Inland Empire, in fact, getting to the  
24 Ontario Airport takes, approximately, 45 minutes, this  
25 compared to the same length of time it would take us to get



1 to downtown San Juan Capistrano.

2 To the residents of our city, the completion of  
3 this toll road was never in question. Our business  
4 community, and our residents have long considered this  
5 eventuality, and we look forward to the mobility and access  
6 that this will provide.

7 Our residents are concerned that attempts to stop  
8 this road will only lead to increased congestion, longer  
9 travel times, and increased pollution in our city. We are  
10 concerned that the approved development without access to the  
11 241 will reach -- will travel through our city to reach the  
12 toll road.

13 Access to the San Onofre is still poor. Just  
14 getting to the 5 freeway can take us up to 20 minutes. Our  
15 residents do not see this road as an issue to fight over,  
16 rather they see it as a necessary improvement to mobility and  
17 quality of life that is long overdue. They have demonstrated  
18 their willingness to pay for this convenience.

19 Finally, I would like to stress how this road  
20 enhances the safety and security of my city. My experience  
21 comes from not only being my city's representative on the  
22 Orange County Fire Authority, but is an emergency management  
23 professional with 15 years of disaster related experience.  
24 This road is a vital link that can help move people and  
25 equipment quickly in times of need. It has been a major



1 weapon in our fight against wildfires, and oftentimes it is a  
2 place to make our last stand.

3 During the Santiago fire, the City of Lake Forest  
4 hosted evacuees at our local high school, and many of these  
5 were from the city of Fallbrook which is 1.5 hours away from  
6 that city. These evacuees spoke of 5-hour travel times to  
7 get to the shelter site. Clearly, this demonstrates the need  
8 for another north-south route, and the 241 is that route.

9 Thank you, for your time.

10 **CHAIR KRUEER:** Thank you, sir.

11 Councilmember Linda Lindholm, and then  
12 Councilwoman Jan Horton.

13 Just so everybody knows, you don't have to use  
14 your 3 minutes, if you don't need to. It is getting pretty  
15 dark, so whatever you can do would be appreciated.

16 **MR. HORTON:** Jan Horton, Mayor pro-tem City of  
17 Yorba Linda. Thank you for the opportunity to speak in  
18 support of the 241 extension on behalf of the City of Yorba  
19 Linda. Our community is about 40 miles from the coastal  
20 communities of Dana Point and San Clemente, and about 100  
21 miles from San Diego.

22 Our concerns are access, traffic, and safety.  
23 Yorba Linda citizens work and play in the southern coastal  
24 communities. I would like to highlight a few of the  
25 individuals to point out the importance of the toll road



1 extension to our community.

2 Sue and Jack are a newly married couple that live  
3 in Yorba Linda. Sue is a student, and Jack is a Marine  
4 stationed at Camp Pendleton. He is soon to be deployed.

5 In order to save money, and to avoid Sue living  
6 alone, they live with Sue's parents in Yorba Linda. Jack  
7 uses the toll road daily to commute, saving an hour each way,  
8 they now have 10 additional hours per week to spend with  
9 family, friends, and each other.

10 Another resident commutes to her small mom and pop  
11 style business in San Juan Capistrano. She will be able to  
12 save 2 to 3 hours per day of commute time to spend time with  
13 her family once the toll road extension is completed.

14 Many of us enjoy traveling to San Diego for a day  
15 trip, or a weekend excursion. The gridlock on the 5 freeway  
16 is a consideration on whether or not we make the trip at all.  
17 The impossible traffic issues deter us from enjoying many of  
18 Southern California's amenities. Twenty years ago, the trip  
19 that took one to two hours, now takes four to five.

20 Our concern is also for the safety of our Southern  
21 California neighbors, in the event of a catastrophic event, a  
22 significant traffic event, or a fir emergency -- as we  
23 recently experienced -- it will be and has been difficult, at  
24 best, to move people.

25 Our infrastructure does not provide for expedient



1 evacuation, or alternate traffic routes impeding ingress and  
2 egress for citizens and emergency personnel.

3 Your challenge is to provide protection and access  
4 at the same time to the coast. We feel that TCA has done an  
5 exemplary mitigation to protect the coast for the entire  
6 length of the toll road, and now it is up to you to provide  
7 access for all.

8 I encourage you to support the 241 extension, and  
9 allow the much needed traffic infrastructure to be built.

10 Thank you.

11 **CHAIR KRUER:** Thank you, very much.

12 Councilmember Carolyn Cavecche, Councilmember  
13 Trish Kelly, City of Mission Viejo.

14 **MS. CAVECCHIE:** Good evening, my name is Carolyn  
15 Cavecche. I am a member of the Orange County Transportation  
16 Authority Board of Directors. I am also here representing my  
17 city, the City of Orange, where I serve as Mayor.

18 I would like to thank you for taking the time  
19 listen to all of these speakers. I know that this is not an  
20 easy task this afternoon. I know it can be difficult to hear  
21 from so many passionate people, and then separate the facts  
22 from the rhetoric, but I believe, if you look at all of the  
23 facts, you will find that completing the long planned  
24 Foothill South is critical for Orange County residents, and  
25 visitors, alike.



1           You all have a tower of technical documents from  
2 the TCA explaining why this road is necessary, and how it can  
3 be built while protecting the environment at the same time.

4           The reality of those documents is played out each  
5 day on Orange County freeways. I am sure that many of you,  
6 at one time or another, have sat in gridlock on the I-5 in  
7 south Orange County. I have suffered through that more time  
8 than I would like to count this evening.

9           I-5 in south Orange County is a bottleneck, fed by  
10 drivers on the 405, the north part of our 5 is 55, and yes,  
11 all the way back to the 91 freeway. Week day and weekend  
12 gridlock only worsens on the I-5 during the summer, when the  
13 freeway backs up for miles through multiple cities with  
14 people trying to reach the coast.

15           The Foothill South completion is needed to battle  
16 this gridlock and to improve coastal access. As planned, the  
17 Foothill South will remove, at least, 50,000 cars a day on  
18 the I-5. When it is completed, the toll way save I-5  
19 commuters nearly 20 percent in travel time between the Orange  
20 County San Diego border, and the 55 freeway.

21           Those opposed to this project are here to raise  
22 doubt about the need for this completion; however, OCTA, our  
23 county's transportation planning agency, is relying on the  
24 completion of this vital link to provide much needed traffic  
25 relief to Interstate 5 and the surrounding coastal



1 communities.

2 OCTA is improving the 5 freeway through a renewed  
3 Measure M, a carpool lane, various interchange improvements,  
4 and auxiliary lanes; however, this simply will not be enough.  
5 Foothill South is a critical component to insuring traffic  
6 growth is accommodated in Orange County.

7 This is not an, "if we build it, they will come,"  
8 proposition for Orange County. They are here, and they are  
9 coming. By 2030, population in south Orange County is  
10 expected to increase by 21 percent, job growth is estimated  
11 to raise 40 percent. The Orange County voters renewed  
12 Measure M in 2006. They put their trust in OCTA to provide  
13 relief from gridlocked freeways.

14 You have heard this evening that expansion of the  
15 5 is an alternative. It is not an acceptable alternative,  
16 either fiscally, or environmentally --

17 **CHAIR KRUEER:** Your time is up.

18 **MS. CAVECCHIE:** -- for citizens of Orange County.

19 Thank you, so much. We ask for your approval of  
20 the completion.

21 **CHAIR KRUEER:** Trish Kelly, Councilmember Deborah  
22 Pauly.

23 Again, there is no insistence that you have to  
24 speak for the 3 minutes.

25 **MS. PAULY:** We are elected officials, what do you



1 expect?

2 CHAIR KRUEER: It seems like super Tuesday, you  
3 know.

4 MS. PAULY: Good evening, Mr. Chairman, and  
5 members of the Commission.

6 I just have to commend you on your tremendous  
7 endurance to sit here and listen to so many disparate  
8 opinions, and take them all equally into consideration.

9 My name is Deborah Pauly. I am a councilwoman  
10 from the City of Villa Park, and you probably have never even  
11 heard of Villa Park. It is a tiny city. As a matter of  
12 fact, it is tiniest city in all of Orange County. It is just  
13 south of the 91, and just east of the 55. So, anyone who  
14 wants to go from, let's say, Chino Hills or Corona down to  
15 the beaches, takes the 91 and goes down the 55 right past my  
16 front door, which blocks up all of the traffic for everyone  
17 in my city. Many of my constituents take the 241 toll road  
18 every day, in order to avoid the growing freeway traffic.

19 Twenty percent of my constituents have fast track  
20 accounts, and because I am the chairman of our tiny little  
21 transportation committee, I found myself taking the drive  
22 down here, a two hour drive, so that I can speak before you  
23 on behalf of my city. We passed a resolution over 2 years  
24 ago, 100 percent saying, "We really need the 241. We support  
25 the completion of this toll road."



1           Two years ago we needed it, we are going to need  
2 it today, and we are going to need it 2 years from now.  
3 Whether you approve it or not, we still have a great need.

4           Two hours I drove, two hours to take a one-hour  
5 and 15 minute trip. If the 241 had been completed, I could  
6 have gone out Villa Park's back door, hopped on the 241, and  
7 been down here in about 1:10 minutes.

8           But, this morning, because I had a responsibility  
9 to come and plead with you to give us this consistency  
10 certification, because of that, I asked my 16-year old son to  
11 make his own breakfast, and get himself off to school today.  
12 Now, he is 16. He is perfectly capable of making his own  
13 breakfast and getting to school, but you know what, I think  
14 that it is much more important for me to spend time with my  
15 son. I say that because it happens to people all over the  
16 county, every single day, that instead of spending precious  
17 time with their children, getting their children off to  
18 school, talking to them, they are spending that precious time  
19 locked in traffic gridlock.

20           And, I am here pleading with you to help relieve  
21 that gridlock, make of lives better, make our lives safer.  
22 Please, approve this, help us along our way.

23           Thank you.

24           **CHAIR KRUE:** Councilmember Deborah Pauly, Harry  
25 Sidhu, Councilmember. You can tell it is getting close to



1 the 6:30 dinner time, you know.

2           **MR. SIDHU:** I know, it is almost a wine time,  
3 actually. so, Mr. Chairman, and Commission members, let me  
4 first state my name for the record. I am Anaheim City  
5 Councilmember Harry Sidhu, and a long time south Orange  
6 County businessman.

7           I come before you today to urge your support for  
8 the final 17-mile extension of the 241 Foothill South  
9 project. At present, south Orange County, and northern San  
10 Diego County rely on the Interstate 5 as the only major  
11 north-south travel artery. Increased traffic congestion in  
12 this region is a massive problem affecting both the equality  
13 of daily lives, and the economic sustainability of the  
14 regional businesses.

15           Commute times for the Orange County work force  
16 continues to significantly impact the congestion along the  
17 I-5 transportation corridor. Additionally, increased  
18 movements without improvements to the transportation  
19 infrastructure will lead to massive congestions on our local  
20 roads, and will severely affect local commerce and of our  
21 state's position as the 7th largest world economy.

22           During the recent wildfires, we also witnessed  
23 first hand the major role played by the existing 241 for  
24 access and escape on the Interstate 5 corridor while impacted  
25 during the disaster.



1           As the facts establish, the 241 Foothill South  
2 project has long been identified by federal, state, resource  
3 agencies to provide much needed improvement to our infra-  
4 structure, and ease future traffic congestions, and Inter-  
5 state 5. And, the project has also been in the Orange County  
6 master plan for alternative highway since 1981.

7           And, it is important to note that the route of the  
8 241, Foothill South, was also the consensus choice of the  
9 U.S. Fish and Wildlife Service, the Environmental Protection  
10 Agency, CalTrans, and the Federal Highway Administration.

11           With the help of our inner-state and federal  
12 agencies, the Transportation Corridor Agency has addressed  
13 air, water, and environmental issue to insure as little  
14 impact as possible.

15           When all is considered, the proposed Foothill  
16 South route provides the most traffic relief while keeping  
17 homes and jobs intact. The proposed alternative, including  
18 the widening of Interstate 5 would displace between 2,000 to  
19 4,000 jobs in south Orange County.

20           The time to act is now. Foothill South extension  
21 project is the best offer, and the best transportation  
22 solutions for our region and for our state.

23           Thank you, for your time and consideration.

24           **CHAIR KRUE:** Steven Thornton, for Congressman  
25 Gary Miller.



1                   **MR. THORNTON:** Good evening, Chairman and  
2 Commissioners, my name is Steve Thornton, district --

3                   **CHAIR KRUEER:** Would you please speak into the  
4 microphone, sir.

5                   **MR. THORNTON:** Steve Thornton, district director  
6 for Congressman Gary Miller.

7                   On behalf of six member of Congress, I would like  
8 to read this letter of support for the completion of the 241  
9 toll road.

10                  "As members of Congress, whose districts and  
11 constituents will directly benefit from the  
12 improved quality of life, and economic  
13 opportunities offered by the completion of  
14 the 241 toll road, we respectfully request  
15 the California Coastal Commission's support  
16 of this important project. Day in and day  
17 out Southern Californians suffer from endless  
18 traffic congestion that stifles our economy,  
19 drains our gas budgets, pollutes our air,  
20 and takes away from spending time with our  
21 families. To complete the work that was  
22 started in 1981, toll road officials are moving  
23 forward with the completion of the last segment  
24 of the its 67-mile toll road system, which has  
25 a wide range of support throughout Southern Calif-



1           ornia.

2           "The southern extension of the 241 toll road will  
3           be an important corridor, linking coastal and  
4           inland communities by providing an alternative  
5           to traveling the congested I-5 freeway. Aside  
6           from traffic reduction benefits, the completion  
7           of the final piece of the toll road project  
8           will include a number of environmental benefits  
9           to insure that sensitive environmental habitats  
10          in both Orange and San Diego Counties will be  
11          protected.

12          "The 241 toll road project may be the most studied  
13          16 miles of highway in our history by a host of  
14          federal and state agencies, with strict environ-  
15          mental standards. Its final route was determined  
16          by historic collaboration of six different  
17          agencies: the Federal Highway Administration,  
18          the U.S. Fish and Wildlife Service, the Environ-  
19          mental Protection Agency, CalTrans, the United  
20          States Marine Corps and the Army Corps of  
21          Engineers.

22          "This route complies with the Coastal Act  
23          and provides coastal access for our  
24          constituents, the Inland Empire, and San  
25          Diegans traveling north. No other viable



1 route will work.

2 "Without the toll road, what is the alternative?  
3 studies have shown that widening the I-5 to  
4 future traffic levels would require the condem-  
5 nation of hundreds of homes and businesses in  
6 south Orange County; indeed, this would require  
7 bulldozing over 800 homes, and tearing down  
8 nearly 300 businesses, at the cost of more  
9 than \$2 billion, none of which has been  
10 budgeted or planned by CalTrans. That is not..." --

11 **CHAIR KRUEER:** Thank you, sir.

12 **MR. THORNTON:** -- ... "a reasonable option."

13 **CHAIR KRUEER:** Thank you.

14 **MR. THORNTON:** All right, Congressman Gary Miller,  
15 Congressman Ken Calvert, Congressman Ed Royce, Dana  
16 Rohrabacher, Darrell Inslee, and John Campbell, thank you.

17 **CHAIR KRUEER:** Thank you, very much.

18 Cynthia Determan for Senator Tom Harmon.

19 **MS. DETERMAN:** Good evening, Mr. Chairman and  
20 members of the Commission. My name is Cynthia Determan. I  
21 serve as district director for State Senator Tom Harmon, who  
22 represents the 35th Senate District, a coastal district in  
23 Orange County.

24 I am happy to be here today on behalf of Senator  
25 Harmon to read a statement from him outlining his strong



1 support for the Foothill South toll road project. The  
2 Senator's statement is as follows:

3 "As strong advocate for the environment and  
4 our state parks system, I am in support of  
5 the TCA's proposed Foothill South toll road  
6 extension project. I believe the selected  
7 alignment balances the need for mobility  
8 within the environmental needs of the State  
9 Parks system, and does not set a precedent  
10 of infrastructure over parks.

11 "And, importantly, the toll road agency has  
12 offered to contribute \$100 million to enhance  
13 the State Parks system, and support improvements  
14 to San Onofre, Crystal Cove, and other state  
15 parks. With the looming budget deficit we are  
16 facing this year in California, and the threats  
17 of major cuts in our State Parks system, I  
18 believe it would be remiss to turn down this  
19 funding. Due to the many persuasive arguments,  
20 information provided to me by my friends in the  
21 environmental community, I will admit to having  
22 many initial concerns about the impacts that  
23 the construction of the Foothill South road  
24 would have had on San Onofre State Park, and  
25 the Trestles surfing area. My concerns were



1 significant enough to warrant a critical  
2 first-hand review of this project. After  
3 taking a tour of the project area, it became  
4 clear that the information I had received from  
5 the opposition to the project was, in many ways,  
6 flawed. First, regarding arguments about  
7 impacts of the road upon the park. I learned  
8 that the road goes actually goes nowhere near  
9 the beach, and the road will not affect any  
10 camp site in the park. The toll road is a full  
11 half-mile from the beach, and the nearest  
12 campsite is 385 feet away, protected by a  
13 16-foot sound wall, and vegetation.

14 "I have now come to the conclusion that both  
15 the road and the park can coexist. Extensive  
16 planning and cooperation has occurred between  
17 4 federal resource agencies, including the  
18 Environmental Protection Agency, the U.S. Fish  
19 and Wildlife Service, the Army Corps of Engineers,  
20 and the Federal Highway Administration, as well  
21 as the U.S. Marine Corps base, Camp Pendleton,  
22 CalTrans, and the toll road agency.

23 "This process which covered 38 possible alignments  
24 has taken 6 years, although study and planning  
25 for the road began 20 years ago. The alternative



1 of widening the I-5 from El Toro to San Clemente  
2 would have far greater impacts. It would  
3 require the condemnation and bulldozing of more  
4 than 800 homes, and 400 businesses.

5 "It would change forever the nature of historical  
6 coastal towns such as San Juan Capistrano and  
7 San Clemente. Besides, the alternative would  
8 cost well over \$2 billion and is not even on  
9 the state transportation plan.

10 "Meanwhile, traffic is expected to increase 60  
11 percent in the region by 2025, and the toll  
12 road congestion on the I-5 by 500 percent,  
13 causing gridlock on a 22-mile stretch of south  
14 Orange County and north San Diego County.

15 "I hope that we can count on you to support  
16 the advancement of the completion of vitally  
17 needed roadway. Your support will also  
18 provide an infusion of funds to the financially  
19 strapped State Parks system."

20 Thank you.

21 **CHAIR KRUEER:** Thank you.

22 In light of the time, it is 6:30. We are going to  
23 try to make it back here in 45 minutes for the dinner break.

24 I am going to ask the elected officials that are  
25 left if they could just cede their time. I am happy to



1 mention their names. We have to get to the public at large,  
2 and so, if that is fine.

3 MS. EGLY: I will --

4 CHAIR KRUER: No, no, Ma'am.

5 MS. EGLY: I just want to cede my time.

6 CHAIR KRUER: Oh you want to cede your time?

7 MS. EGLY: Jane Egly, Mayor of Laguna Beach, we  
8 are opposed to the toll road.

9 CHAIR KRUER: Thank you.

10 Okay, we are going to break and we'll see  
11 everybody in 45 minutes, and we'll come back and start with  
12 the public. We have, as you can see, several hundred  
13 speakers here, so we will see you back here. Thank you for  
14 your attendance, and thank you for being quiet and orderly.  
15 I appreciate it, we all do.

16 [ Recess ]

17 CHAIR KRUER: We are ready to go, and I have got  
18 an idea that might help people, so we can get to  
19 deliberations.

20 Maybe, instead of us calling off all of these  
21 speaker slips, a lot of people are gone, and it will take  
22 time. Maybe, what you do is just line up 10 at a time, of  
23 those who wish to speak, and then what we will do, is you  
24 come up and state your name, and if you can -- everybody is  
25 entitled to 2 minutes -- but, if you will just say you oppose



1 it, or you approve of it, and you certainly may take 2  
2 minutes, if necessary, but this way a lot of the public will  
3 get a chance to speak, and it probably sounds like, to me, a  
4 very thorough and equitable way to do it.

5 So, if you could just line, come up one after  
6 another, and so the first gentleman that is in line, would  
7 you come up and state your name for the record.

8 **MR. WEIGAND:** Mr. Chairman, my name is Erik  
9 Weigand. I represent the office of Assemblyman Jim Silva,  
10 and I wish not to cede my time, and I wish to speak on behalf  
11 of the assemblyman.

12 **CHAIR KRUEER:** You can, you have got 2 minutes. I  
13 am going to take testimony up until 9:00 o'clock tonight.

14 **MR. WEIGAND:** Three was offered to the previous  
15 speakers.

16 **CHAIR KRUEER:** No, 2 for the public, and at this  
17 point, 2 minutes to the public at large.

18 **MR. WEIGAND:** Actually, I am representing  
19 Assemblyman Jim Silva, who is not a member of the public.

20 **CHAIR KRUEER:** You will still get 2 minutes.

21 **MR. WEIGAND:** So, I will speak.

22 **CHAIR KRUEER:** Okay, you will get 2 minutes.

23 **MR. WEIGAND:** As I said, I represent Assemblyman  
24 Jim Silva.

25 Assemblyman Silva strongly supports the completion



1 of the Foothill South, and has asked me to urge the  
2 Commission to support and approve the federal consistency  
3 certification for State Route 241. Assemblyman Silva has  
4 represented northern coastal cities of Orange County for over  
5 20 years, serving as both Mayor, and councilman of the City  
6 of Huntington and for 6 years, a member of the Orange County  
7 Board of Supervisors for 12, and now he is the area's  
8 representative in the State Assembly.

9 Mr. Silva understands that as the representative  
10 of these communities, it is his responsibility to protect the  
11 coast, and the recreational resources that lie within it, and  
12 he takes that responsibility seriously.

13 Assemblyman Silva also understands the negative  
14 impact traffic can have on a coastal city, and how congested  
15 roadways diminish the desire of those living in the inland  
16 areas to visit the coast.

17 California is renown for its coastal resources,  
18 unfortunately, the state is also renown for having some of  
19 the worst traffic in the country. California's coastline is  
20 for everyone to enjoy, and when traffic makes it impossible  
21 for families living inland to bring their children to the  
22 beach on the weekend, then something is terribly wrong.

23 The completion of State Route 241 will allow those  
24 families living inland to spend more of their family time at  
25 the beach, rather than sitting in their cars trying to get to



1 the beach, even if they choose not to take the 241 traffic,  
2 the existing freeways to the coast will be substantially  
3 lighter, as people will have a choice, and won't be forced  
4 onto the I-5.

5 You will hear from opposition today that the San  
6 Mateo Campground will have to be closed if the 241 is  
7 completed. They will also tell you that the water quality at  
8 Trestles could be impacted if the road were built.  
9 Assemblyman Silva heard these claims, but rather than to  
10 dismiss them, he took it upon himself to look at the facts,  
11 and the facts were quite compelling, not against this  
12 project, but for the project.

13 SR 241 will not cause the closure of the San Mateo  
14 Campground, in fact, the Secretary for Resources stated in a  
15 letter to the Coastal Commission that the strong environ-  
16 mental measures adopted by the TCA will minimize noise  
17 impacts, and the campground --

18 CHAIR KRUEER: Sir.

19 MR. WEIGAND: -- will remain enjoyable.

20 CHAIR KRUEER: Sir, your time is up, thank you.

21 MR. WEIGAND: Three minutes.

22 CHAIR KRUEER: No, sir, two minutes, thank you. We  
23 have to be fair to other people.

24 MR. WEIGAND: Once, again, Assemblyman Silva does  
25 support the project.



1                   **CHAIR KRUEER:** Thank you.

2                   **MS. CARU:** My name is Juanita Caru, San Juan  
3                   Capistrano.

4                   I am a reluctant activist. I am first a mother, a  
5                   wife, and a friend. I am not a surfrider. I am not even a  
6                   Sierra Club member. I am just a mom who cares about  
7                   protecting local cities from this destructive toll road that  
8                   will not make traffic better, but instead will induce growth  
9                   of 14,000 homes, which by the way, the TCA will claim are  
10                  approved and will be going in with or without the toll road.  
11                  This isn't true. There are mitigations required for the  
12                  NCCP, EIR, that must be met prior to issuing permits beyond  
13                  the planning area 1.

14                  If this toll road extension is not approved, very  
15                  likely the development will either be substantially reduced,  
16                  or the developer will have to pay for his own roads. If this  
17                  toll road is approved, the runoff from 14,000 homes will foul  
18                  our beaches, and place extraordinary demands on our water  
19                  resources.

20                  Recently, Assemblymember Chuck DeVore promoted  
21                  Assembly Bill 719, calling for another nuclear reactor on our  
22                  coastline. Why? because this would supply the needed  
23                  electricity to support a desalination plant for -- you  
24                  guessed it, 14,000 homes -- the increased demand from these  
25                  14,000 homes that this toll road will create. The Assembly



1 Bill died, but DeVore has vowed to keep bringing it back.

2 We all know what is going on here. The council  
3 members who have spoken, I would like to look at their 460s  
4 and see who they really represent.

5 Unfortunately, this is going on throughout Orange  
6 County. It is all about getting the toll road in to support  
7 big development. You will probably hear today from some of  
8 the taxpayer groups, watchdog groups, that will speak in  
9 support of the toll road because they purport to care about  
10 the environment. What they won't tell you is that they are,  
11 actually, a lobbying group that has many on their board of  
12 directors, and members, that have a substantial economic  
13 stake in getting this toll road approved.

14 As children, we were taught to do the right thing.  
15 As adults, we are asked to set an example of honesty and  
16 integrity. I ask that you remember this in your vote today,  
17 and tell the toll road promoters --

18 CHAIR KRUEER: Ma'am.

19 MS. CARU: -- that their \$100 million offer cannot  
20 --

21 CHAIR KRUEER: Ma'am.

22 MS. CARU: -- alter their integrity, please support  
23 your staff.

24 CHAIR KRUEER: Thank you.

25 MS. MACKIN: Good evening, Sherry Mackin, former



1 Deputy Mayor, City of Oceanside.

2 In November 2005, Ruth Coleman, director of the  
3 State of California Parks and Recreation, wrote a letter to  
4 the residents of our state, asking that we support the  
5 California's park system by speaking out against the proposed  
6 241 toll road, which, as proposed, will encroach on San Mateo  
7 Park at San Onofre.

8 Ms. Coleman stated that, as director of the  
9 system, this park was one of the most used parks in the  
10 state, and if the toll road were to go forward as proposed,  
11 the park would have to be closed. She said that on putting a  
12 toll road through the park, a terrible precedent would be set  
13 for the future for California State Parks.

14 Additionally, that month the State of California  
15 Parks and Recreation Commission voted unanimously to support  
16 a resolution requesting that an alternative to what was being  
17 presented, be proposed. Because I know how many Oceanside  
18 residents use and enjoy San Mateo Park as an affordable means  
19 to recreate, as a councilmember I thought we had a duty to  
20 protect the citizens' ability to recreate affordably; hence,  
21 I brought forth the item requesting council support for the  
22 State of California's resolution.

23 Additionally, when I delivered a copy of the  
24 letter to the state, others also had concerns about the road  
25 placement. Even the state's director of transportation told



1 me, if it were the state building the road, we would never  
2 put it through a park.

3 As members of the Commission, you must consider  
4 the irreparable damage, if not total destruction that will be  
5 caused to this popular affordable park, should the proposed  
6 alignment go forward.

7 I ask that you put California's residents first,  
8 and support staff's recommendation.

9 I offer for the record, a letter from the City of  
10 Oceanside, a letter from the Audubon Society with a  
11 membership of 1100 people, and these emails I received --

12 **CHAIR KRUER:** Ma'am.

13 **MS. MACKIN:** -- in support of the City of  
14 Oceanside's resolution.

15 **CHAIR KRUER:** Thank you, Ms. Mackin.

16 Next.

17 **MS. CHRISNA:** Chairman, Commissioners, I am Elizea  
18 Chrisna, and I live in Poway, and I will represent myself.

19 In 1972, I worked my buns off to put Proposition  
20 20, the coastal initiative, on the ballot. I assisted in  
21 collecting the signatures, verified them, and then get the  
22 vote out to put this into law.

23 Now, today, 36 years later, I am standing here  
24 requesting that you fulfill the mandate I worked so hard for  
25 36 years ago, and this did not include the toll road. It was



1 to protect the beaches, and the coastal areas, and it was not  
2 to provide for the economies of Oceanside, or for the spread  
3 of traffic for Orange County citizens.

4 I request that you fulfill your mandate, that I  
5 worked so hard for 36 years ago, thank you.

6 **CHAIR KRUEER:** Thank you for your testimony, and  
7 thank you for doing that in a minute.

8 **MR. MC CORMACK:** Chris McCormack, San Clemente. I  
9 truly hope the Coastal Commission will not be swayed today by  
10 the fear tactics presented to you by the TCA and their  
11 political lackeys.

12 But, I am not here to simply ask you for your  
13 acquiescence in opposing this toll road. I oppose this toll  
14 road, and hope that you do also. But, if you do not, I have  
15 faith in the fact that my brothers and sisters here tonight  
16 will continue to fight against this road, and also against  
17 the real reason why this road exists.

18 For this road is not simply the resolve of poor  
19 planning by the TCA, or by some unscrupulous politicians who  
20 have placed their integrity ahead of their drive for money.  
21 This road is the result of an ideology that views the world  
22 and its resources as a commodity that must be exploited. It  
23 is an ideology that puts the drive for profit ahead of  
24 people, cultures, and our environmental well being. This  
25 ideology that came over the ocean with the slave trader



1 Christopher Columbus is still with us today, negatively  
2 affecting people not only in San Clemente, but people around  
3 the world.

4 We need to understand that stopping this road is  
5 not simply one battle, it is a continual battle in the  
6 struggle to change our consciousness in the way that we look  
7 at the world. We need to begin to view the world and our  
8 environment not in terms of take, take, take, but in terms of  
9 give and take. We need to not view the world as a commodity,  
10 but as part of our well being.

11 I didn't speak to ask for your charity, or even to  
12 secure you "No" vote. Progressive change does not come from  
13 the Coastal Commission, from board members, or from  
14 politicians. Change comes from people coming together and  
15 demanding it.

16 Today, board members, you have a choice, are you  
17 going to stand with the people who seek to preserve the  
18 beauty and life that our mother earth gave us? or are you  
19 going to stand with the force of the past, that wants to  
20 destroy our mother earth?

21 If you fail to stand with us today, sobeit, you  
22 alone can't stop this road, or give life to this road. In  
23 the end, we, the people, will be the ones who make that  
24 decision.

25 Thank you, very much.



1                   **CHAIR KRUER:** Former Chairwoman Meg Caldwell, a  
2 friendly face here.

3                   **MS. CALDWELL:** Good evening, Chair Kruer, and  
4 members of the Commission. It is my honor to be here, on the  
5 anniversary of my last Commission meeting with so many of  
6 you.

7                   And, I wanted to let you know that out of respect  
8 for the coast, itself, the *Coastal Act*, and this Commission  
9 that people who have been here since early this morning, in  
10 support of the staff recommendation, have decided that they  
11 will do their best to actually cede their time back to the  
12 Commission, because we all think that it is important that  
13 you reach a decision tonight, and that you are able to do so  
14 at an hour where you can really think deliberatively, and  
15 really make the important policy decisions that you are posed  
16 with this evening.

17                   So, members of the Coalition to Save San Onofre,  
18 if you would please stand up at this time.

19                   [ Audience Reaction ]

20                   And, these are people, among the thousands who  
21 were here this morning, who have remained here and stuck with  
22 you. We have a handful of people who would like to share  
23 their prepared remarks -- I have chucked mine -- and they  
24 understand that they will take as short a time as possible,  
25 but they really feel that their message is important, as do



1 the rest of us.

2 The remainder of the people in the room, who want  
3 to save San Onofre, and support the staff recommendation,  
4 have agreed that they will be ceding their time, and as you  
5 call their names, they will come up, and if you are not  
6 calling their names, they come in line and indicate they are  
7 ceding their time back to the Commission.

8 We would, actually, put the challenge to TCA and  
9 its supporters that it do the same thing, out of respect, and  
10 out of dignity for the coastline, and the Coastal Act, and  
11 this Commission.

12 In closing, I just want to request that this  
13 Commission give these important policy choices that you have  
14 tonight the same dignity and the same consideration that  
15 those voters back in 1972 gave our coastline, when they voted  
16 in Proposition 20, with an overwhelming majority, in support  
17 of the nation's most protective piece of coastal protection  
18 law.

19 And, with that, I thank you very much for your  
20 time, and look forward to your decision.

21 **CHAIR KRUEER:** Thank you, for your cooperation and  
22 thank you for the people ceding their time. We really  
23 appreciate that.

24 **MR. JACKSON:** Hi, my name is Charley Jackson. I  
25 am 15 years old, and I live in Laguna Beach, go to Laguna



1 Beach High School.

2 A couple of weeks ago I was surfing at Doheny, and  
3 you could see how bad the pollution was. I ended up getting  
4 a pretty bad rash from the water.

5 Please don't let that happen to Trestles and San  
6 Onofre. There are better solutions to lessening traffic than  
7 creating the 241, like fixing the 5, or extending La Plada.

8 Thank you.

9 **CHAIR KRUEER:** Thank you.

10 Mr. Massara.

11 **MR. MASSARA:** Honorable Chair, Commissioners, Mark  
12 Massara, Sierra Club Coastal Programs.

13 I could go on at length -- and you know that --  
14 but, suffice it to say because of late hour, we are  
15 encouraging all of those of us who support the staff's  
16 analysis and recommendation, and supports the Sierra Club,  
17 and our Coalition that has worked so long, and so hard, for  
18 this day, to cede our time, so that you can deliberate, and  
19 so that you can reach a vote tonight.

20 There certainly is no benefit whatsoever to any  
21 sort of continuance, or postponement. The project has not  
22 changed since November. It is unlikely to change, given the  
23 drastic modifications that are necessary to make this  
24 consistent with the Coastal Act, and this can only happen  
25 with clear guidance from you to TCA on the project.



1           With that, we would like to submit hundreds more  
2 letters, thousands more postcards, and surf board signed with  
3 those postcards for you and the Commission from activists up  
4 and down the state, imploring you to protect San Onofre.

5           **CHAIR KRUEER:** Do we get to keep those surf boards?  
6 Thank you, Mr. Massara.

7           **EXECUTIVE DIRECTOR DOUGLAS:** Mr. Chairman.

8           **CHAIR KRUEER:** Yes.

9           **EXECUTIVE DIRECTOR DOUGLAS:** With --

10          **COMMISSIONER ACHADJIAN:** Mr. Chairman.

11          **CHAIR KRUEER:** Yes.

12          **EXECUTIVE DIRECTOR DOUGLAS:** Mr. Chair.

13          **COMMISSIONER ACHADJIAN:** I want to ask Mr. Massara  
14 if lessons come with it?

15          **MR. MASSARA:** Absolutely.

16          **EXECUTIVE DIRECTOR DOUGLAS:** With our restricted  
17 budget, we don't have a place to store those.

18          **MR. MASSARA:** Please, take them with you.

19          **CHAIR KRUEER:** Okay, thank you, very much.

20          **COMMISSIONER ACHADJIAN:** Do we have to report  
21 them?

22               **CHAIR KRUEER:** Again, thank you to everyone who is  
23 ceding their time, because it is very important that we, as  
24 early as possible, get to the deliberations on this project.

25               So, we appreciate it.



1 Sir.

2 MR. COLLINS: Mr. Chairman, members, I am Bill  
3 Collins, representing the League of Conservation Voters, San  
4 Diego.

5 I first want to mention that I worked to create  
6 this Commission back in 1971, and when we couldn't get this  
7 bill passed, I helped collect signatures to get Prop 20 on  
8 the ballot. This is the kind of project that we intended the  
9 Commission to reject, to block.

10 TCA says this is about traffic congestion. They  
11 haven't told you that if the toll road is built, they have a  
12 contract with Caltrans which says there will be no traffic  
13 improvements on the I-5. So, how does that improve traffic?

14 They didn't tell you that during construction,  
15 lanes if I-5 will be closed -- how is that for a bottleneck?

16 They didn't tell you that during construction,  
17 there will be piledrivers pounding the earth day and night.  
18 Who is going to camp at San Clemente with that going on?  
19 This is all in the EIR. You can look it up yourself.

20 So, we urge that the project be denied, thank you,  
21 very much, and I have a handout that would like to just leave  
22 with --

23 CHAIR KRUE: The staff.

24 MR. COLLINS: -- with staff, fine.

25 CHAIR KRUE: Thank you, sir.



1 Yes, sir.

2 MR. PIANIPORE: Before I introduce myself, my  
3 name, I --

4 CHAIR KRUER: Could you use the microphone,  
5 please.

6 MR. CHAIR KRUER: Yeah, can you hear me, okay?

7 CHAIR KRUER: Yes.

8 MR. PIANIPORE: Before I introduce, Mr. Chairman,  
9 I want to ask something unique. I want to take my pen out.  
10 I want the audience to thank all of the audience for their  
11 time. I think about a \$2 to \$3 million value is here  
12 tonight. I want to ask them to be open. I am going to put  
13 this in my pocket, and will you just take your signs down,  
14 and just listen. Maybe there is a merit here for the family  
15 safety.

16 My name is Steven Pianipore, you already timed me,  
17 so I lost it already. I don't have enough to do it. I am a  
18 licensed civil instructor of engineering in California, and  
19 6 other states, and volunteer for Governor's office of  
20 Religious Services, and Chair of homeless security for  
21 Society of American Military Units. I am trained in FEMA for  
22 disaster.

23 I believe that there is not enough consensus, and  
24 work done, to mitigate to talk to people of the opposition to  
25 let them know what are the disadvantages of not having the



1 toll road built.

2 During disaster, Mr. Chairman, there will be a  
3 need to get our loved ones to hospitals, our children, our  
4 mothers that worked so hard to raise us, and they are  
5 miserable. They can't do it alone. We need to help them out  
6 and get them out.

7 What is the value of one life? Do you want to ask  
8 someone when you go home, what is the value of one life? I  
9 saw the mouse there, that's nice. Somebody joked with me,  
10 and said, "Well, we could put some more cats there, and it  
11 would solve the solution." I think that is a joke, but  
12 seriously, what is the priority here? Look at your child,  
13 look at yourself, you are a baby, you are a value, you were  
14 raised.

15 We need an alternate route to get out during  
16 disasters. January 17, 1994 -- please be open, don't talk  
17 about it, I want you to listen, please -- January 17, 1994,  
18 we had a disaster, earthquake, the bridge collapsed,  
19 everything was closed, and you don't have an alternate road.  
20 Think about it, during a disaster, you need to think about  
21 that. What is the value of long life?

22 Thank you.

23 **CHAIR KRUEER:** Sir, could you state your name for  
24 the record, again, just so we have --

25 **MR. PIANOPORE:** Steven Pianopore.



1                   **CHAIR KRUER:** Thank you, sir.

2                   **MR. PIANOPORE:** Thank you.

3                   **MR. VAUGHN:** Hi, my name is Michael Vaughn. I am  
4 a private citizen. I work for a company, but that doesn't  
5 have anything to do with why I am here. I live in Talega,  
6 the development that is inland of San Clemente, right on the  
7 edge of the wilderness, and I strongly support the toll road  
8 extension going through.

9                   I think that, as I see it, and I have had quite an  
10 education today, you have to make your decision within the  
11 constraints of the laws that are written, and I think that is  
12 quite a challenge. I think that all of the environmental  
13 issues have been properly addressed. I think there has been  
14 a lot of misstatement of information given -- maybe, a little  
15 by both sides -- but I think that the serious issues have  
16 been addressed, and as I see it, there is no reason not to  
17 approve the toll road.

18                   I think 50 years from now, we will be grateful  
19 that we have it, and it will have contributed to the quality  
20 of life and to the quality of the ocean right in front of  
21 where that toll road goes.

22                   I am a former Naval Officer, and I have sailed the  
23 world, and I have seen the impact of civilization on the  
24 oceans, and the life within it, and I think that the bigger  
25 problem is the contamination of sea life by plastics, and I



1 think seeing the extrapolation you can make with your powers  
2 as the Coastal Commission about what to do with things  
3 outside of the particular zone that you are here to govern,  
4 you could do a lot about that. I don't think there is a  
5 single living organism within the ocean which is not affected  
6 by plastic contamination.

7 But, as far as the toll road goes, the environ-  
8 mental impact of that, I think, has been properly addressed  
9 and will be well mitigated, and I support the toll road.

10 Thank you.

11 **CHAIR KRUER:** Thank you, very much.

12 Sir.

13 **MR. RAPP:** Good evening, my name is Tom Rapp,  
14 president of United Anglers, and I work with fishermen up and  
15 down the coast.

16 You know, the number one job with fishermen is to  
17 make sure we get good conservation. Without conservation,  
18 none of this really makes much difference, at all, unless we  
19 have got a lot of fish out there, and they are healthy, with  
20 good water quality, there is no sense, really, coming down to  
21 the beach.

22 We have got anglers, and we have got a lot of  
23 anglers that live by the coast, and they enjoy the beach. We  
24 also have a lot of anglers that live inland, and it is  
25 important for them to have that same access to the beach,



1 also. If you don't have access, I mean, you know,  
2 conservation without access is like watching the Discovery  
3 Channel with the window open, it just doesn't work.

4 We really support having the toll road come in. I  
5 remember a couple of years ago, Commissioner Wan, as the  
6 story goes -- and please correct me any time along the way --  
7 you were out on the beach in front of one of those Hollywood  
8 producer's place, you sat down there, and the Sheriff was  
9 called, and when he came down, you said, "Hey, take me away.  
10 This is a public beach. This is about public access." Go,  
11 girl, that is what this is all about.

12 We just want to make sure that we have got even  
13 access up and down the coast, because what is going on right  
14 now, is by not having good transportation, we have got a  
15 fence, but the fence is simply further back from the beach.  
16 If it takes 2 hours to get to the beach, or get to the  
17 harbor, people don't go, and what we are trying to do is to  
18 make sure that we have good equal access for everybody down  
19 at the beach.

20 **CHAIR KRUER:** Thank you, I guess a couple of  
21 million people are using the beach now, but we appreciate  
22 your comments.

23 **MR. BAKER:** Good evening, my name is Dick Baker.  
24 I am the former Chief Executive Officer of Ocean Pacific, the  
25 Surfer Pearlgram, and a resident of San Clemente. I am the



1 current president of SIMA, the Surf Industry Manufacturers  
2 Association. We are a \$7.2 billion industry, based largely  
3 in Orange and San Diego Counties. As a global lifestyle  
4 community of brands, such as Quicksilver, Bilabong, Volcom,  
5 Reef, O'Neil, Rock and Hurley to name a few. We are a  
6 business with a heart, and that heart is the ocean. It is  
7 the connection between core consumers, and our brands.

8 The ocean and beaches are the foundation of our  
9 commercial success, and we will support, protect, and invest  
10 to insure their future well being.

11 As a major contributor to the economic landscape  
12 of our state, the surf industry represents a vital and  
13 growing business platform. We are the global ambassadors of  
14 the action sports industry, with our brand headquarters based  
15 in California, selling the surf lifestyle dream, and reaching  
16 young consumers throughout the world.

17 Our industry directly supports tens of thousand of  
18 jobs in California. We supply our retail partners, core surf  
19 shops, Macy's, Nordstrum's and Packsons, generating billions  
20 of dollars of revenue on a state and nationwide basis. In  
21 addition, the industry supports related business partners,  
22 vendor suppliers, and consumer product manufacturers  
23 providing in excess of a million jobs.

24 We support a solution to the traffic problem, not  
25 just through a state park, and not at the expense of one of



1 the most magnificent revered surf breaks in the world. The  
2 sport of surfing is both a privilege and a passion for the  
3 millions of participants that embrace it. The business of  
4 surfing is based on our customer's ability to interact and  
5 enjoy our beach and cultural resources.

6 We encourage you, the Coastal Commission, to  
7 protect our beach and state park by voting to oppose the  
8 recommended alignment for the proposed extension to the 241  
9 South toll road.

10 Thank you.

11 **CHAIR KRUEER:** Thank you, sir.

12 **MR. KNOKE:** My name is Bob Knoke, K-n-o-k-e, I  
13 live in Mission Viejo. I am opposed to the toll road. I  
14 think the TCA is more interested in money than they are in  
15 relieving traffic. And, the reason why I say that is because  
16 if they were really interested in traffic mediation, they  
17 would lower their tolls, so people could actually afford to  
18 drive it. There are better alternatives.

19 The better alternative is to widen the existing  
20 highway, Highway 5. That would be far less environmentally  
21 damaging to the park, and it could be done, I feel, cheaper  
22 than all of the grading they need to do.

23 Intersecting roads, such as where you have two  
24 highways come together, is where a bottleneck is formed that  
25 slows the traffic more, and therefore the 241 would do



1 nothing to relieve traffic. Once you get onto 5, off of the  
2 toll road, how are you going to move, because 5 is not being  
3 widened under their planning. The adjacent roads on -- where  
4 are the people going to go? how is the traffic going to move?

5 I think the cost is too high for this. We are  
6 going to be destroying the O'Neill Land Conservancy, the San  
7 Mateo Campground, both of which were formed because of  
8 mediation problems in relation to building houses, they had  
9 to build the O'Neill Conservancy, and the nuclear plant  
10 caused the campground to have to be built.

11 If you destroy San Onofre State Park, where are  
12 you going to find a replacement for our growing population in  
13 this county, and in this state?

14 And, that completes my time, and thank you, very  
15 much, and God Bless.

16 **MR. RAMIREZ:** Good evening, Commissioners, I am  
17 the city Commissioner Nicomer Ramirez, chair of the City of  
18 San Diego Human Relations Commission, a commission that is  
19 represented by leaders and activists of the people of colored  
20 communities, and the religious communities.

21 I am sure I don't speak just for myself in  
22 acknowledging and thanking our Native American brothers and  
23 sisters, for educating us about the history of this area.

24 But, most important of all, I think we all  
25 remember that yesterday's election was about change, was



1 about our emerging youth and young people caring about  
2 society, the environment, and wanting government to listen.

3 As a senior citizen, I salute all of the young  
4 people, and all of the youth that are here making a stand,  
5 and I encourage them to continue to be involved in this  
6 issue, and other issues.

7 I stand here to remind you that the Human  
8 Relations Commission of San Diego has taken a stand in  
9 opposition to this toll road.

10 Thank you, so very much.

11 **CHAIR KRUER:** And, as people come up, if you have  
12 already spoken, please don't come up, you don't get another  
13 bite at the apple, so if you have already spoken, please sit  
14 down.

15 Ma'am, go ahead.

16 **MS. SHIER:** Thank you, and good evening, my name  
17 is Dr. Deborah Shier. I am a mammalogist, and a conservation  
18 biologist, and I have been conducting research on small  
19 mammals for the last 14 years, including members of the  
20 species that include the species of pocket mouse, the  
21 kangaroo rat, and the kangaroo mice. So, I am like the  
22 expert from TCA. I actually have studied the pocket mouse  
23 for the last two years, and I agree wholeheartedly with the  
24 staff's decision to oppose the toll road based on the  
25 implications that it will impact the pocket mouse recovery of



1 this species.

2 I would like to add four pieces of data from my  
3 research over the last two years, to their report, and one is  
4 that over the 2007 population census that I conducted on Camp  
5 Pendleton, it showed that the primary population of this  
6 species is, actually, constricted severely. Which means that  
7 impacts on the San Mateo north population will, actually, be  
8 even more significant.

9 Secondly, my research has shown that this species  
10 is sensitive to moon illumination, which means that  
11 artificial lighting from the proposed toll road, and during  
12 construction, and from the traffic on the road will severely  
13 impact surface activity of this species.

14 Thirdly, this species is sensitive to low  
15 frequency hearing, so their auditory cochlea in their ears  
16 are tuned to low frequency sound. They communicate via foot  
17 drumming.

18 If the road is put into place, in the location it  
19 is sited, it will impact their ability to communicate with  
20 other individuals, and coordinate their mating efforts.  
21 Therefore, this particular population will be, from my  
22 standpoint, extinct very soon.

23 And, finally, their spatial patterns indicate that  
24 they are a fairly sedentary species, so the likelihood that  
25 they would actually use a single culvert, or a corridor, in



1 the vicinity of their population is extremely low.

2 CHAIR KRUEER: Thank you, very much.

3 MS. SHIER: Thank you.

4 CHAIR KRUEER: Okay, next.

5 MR. RIDLEY: Hi, and thank you for giving us the  
6 opportunity to comment.

7 CHAIR KRUEER: Your name, please.

8 MR. RIDLEY: I'm sorry?

9 CHAIR KRUEER: Your name for the record.

10 MR. RIDLEY: I am getting there, my name is Jeff  
11 Ridley. I am a high school science teacher from Anaheim,  
12 California, and I am vehemently opposed to seeing a state  
13 park bulldozed to build a toll road.

14 I know it is late, and we all are tired, so I cede  
15 the rest of my time to you, thank you.

16 CHAIR KRUEER: Thank you for doing that, sir.

17 MR. DENNEL: Hello, my name is Hugh Denmel. I am  
18 a naturalist from Huntington Beach, and we have, actually,  
19 created our own version of a toll road here, of all of the  
20 people who want to can concede their time, so they will be  
21 following up right after me.

22 And, one last thing, I heard someone today,  
23 earlier, nobody gets off at Trestles to go surfing. If  
24 somebody put a stop there, I know myself, and probably  
25 everybody else would get off, no traffic needed.



1 Thank you.

2 CHAIR KRUEER: Thank you, sir.

3 Next.

4 MR. HAMILTON: My name is Graham Hamilton, thank  
5 you, very much, for your patient service this evening.

6 I would like to start off by inviting anyone who  
7 thinks that this road will have no immediate impacts on water  
8 quality, to swallow a mouthful of sea water and see what  
9 interstate runoff has to say to your digestive system, of no  
10 impact.

11 And, furthermore, I resent the notion that surfers  
12 are here merely to protect their localism. I am not a local.  
13 I live in Santa Monica, but I make trips to Trestles  
14 regularly, and if Inland Empire wave riders had any real  
15 sense of this sport they would be here tonight protecting the  
16 sanctity of San Onofre State Beach.

17 It is becoming increasingly clear that urban  
18 progress cannot sustain itself on the foundations of  
19 environmental destruction. Everyone here has something  
20 unique at stake, but what is equally at stake for all of us,  
21 whether we acknowledge it or not, is the vitality of our  
22 natural environment.

23 I am a surfer, but this isn't about surfing. My  
24 opposition to 241 would be just as sharp were it to bridge  
25 Yosemite, or bisect Joshua Tree. This is about our



1 collective need to innovate transportation solutions that put  
2 our increasingly vulnerable environment at the top of the  
3 priority list, and 241 does not do this.

4 The idea that building a toll road through a state  
5 park as the best possible solution is not only ludicrous, it  
6 is lazy. It is an old, ineffective, solution to a unique  
7 problem. It is time to start thinking outside of the box for  
8 solutions to our modern urban and environmental problems.

9 Thank you, once again, so much, for your patience  
10 service tonight.

11 CHAIR KRUEER: Thank you.

12 [ Audience Reaction ]

13 Thank you, again, and like I said, please try to  
14 keep it down. You can put your hands up if you agree with  
15 that, and if you don't, use thumbs down, so we can keep  
16 moving.

17 Yes, sir.

18 MR. TINGEN: My name is John Tingen. I am from  
19 San Clemente.

20 The staff report was showing that in several cases  
21 the TCA selected, or the TCA choose selections that were, in  
22 fact, done by the collaborative agencies. They were done by  
23 the four federal agencies. They were not done by the TCA.  
24 The staff misstated the facts.

25 The Smart Mobility choose to ignore the details in



1 that report in their report of showing that the I-5 could be  
2 widened without impact on the surrounding territories.

3 One of their exhibits, in their report, showed a  
4 cross section that involved San Clemente Presbyterian Church.  
5 The dialogue text in the report showed that with the widening  
6 -- of course they were only putting in 9-foot wide lanes,  
7 instead of the required 12-foot wide lanes -- nonetheless,  
8 they showed that a sound wall 12 feet away from the San  
9 Clemente Presbyterian Church would allow that church to  
10 exist.

11 They missed the fact that under construction in  
12 that same picture, that same aerial photograph, was the new  
13 fellowship hall, and Sunday school. The extension of the  
14 freeway would wipe out those two buildings, which have now  
15 been completed.

16 These were pointed out to Smart Mobility, and what  
17 was their answer? they have a revised report, they left out  
18 that cross section, so they ignored the fact entirely. In  
19 fact, they misstated the number of lanes that were required  
20 between Pico and El Camino Real. In one part of their  
21 report, they show it is required, but the Table in the report  
22 on page 13, mistakes the requirements. It leaves off --

23 CHAIR KRUEER: Sir.

24 MR. TINGEN: -- sections, that they --

25 CHAIR KRUEER: Sir.



1                   **MR. TINGEN:** -- drew, but did not include.

2                   Thank you.

3                   **CHAIR KRUEER:** Thank you, sir.

4                   **MR. DALE:** I would like to make a request. My  
5 name is Herbert Dale, and this line over here would like to  
6 concede their time, speed up the process. It is getting late  
7 here, and we appreciate your time.

8                   **CHAIR KRUEER:** We appreciate it, we appreciate  
9 that, and thank you.

10                  **MR. DALE:** I am opposed to 241.

11                  **CHAIR KRUEER:** Okay, fine, thank you, and thank you  
12 for coming.

13                  [ Processional march by some of the audience ]

14                  **MR. MURPHY:** I am the last, and I would like to  
15 say something. My name is Garth Murphy. I represent the  
16 Surfers Party of the World, and I have been here all night,  
17 and I have not heard a single reason to put that toll road  
18 through the park.

19                  I have heard reasons for a toll road, but I have  
20 not heard one single reason for running it through the park,  
21 excepting that they seem to perceive it as the weakest  
22 possible point at which to run it.

23                  Thank you for turning this whole proposal down.

24                  **CHAIR KRUEER:** Thank you, sir.

25                  Yes, sir.



1           **MR. FRASER:** Good evening, Mr. Chairman, members  
2 of the Commission, my name is Chip Fraser. I am the fire  
3 chief for the Orange County Fire Authority.

4           On January 24, our board of directors, which  
5 consists of city councilmembers from our 22 cities, and 2  
6 members of the board of supervisors, unanimously voted to  
7 instruct me to testify today at this hearing, in support of  
8 the 241 toll road extension.

9           The OCFA serves close to 1.4 million people in our  
10 560-square mile service area. OCFA, along with our  
11 residents, have benefited greatly from the existing toll road  
12 network; specifically, during the emergency, the 241, the  
13 261, and the 73 have provided a means for us to quickly move  
14 firefighters throughout our county, to quickly evacuate large  
15 numbers of residents at risk, and the roads have served as  
16 good control points for advancing wildland fires.

17           We first used the toll road for this purpose when  
18 the were still under construction. Two brush fires raced off  
19 of the Cleveland National Forest, down towards neighborhoods  
20 in our community, and were helped to be contained by the 241.

21           In the last 18 months, we have had 4 occasions  
22 where the roads have played an important role in achieving a  
23 better than expected outcome from fire, the Sierra Fire,  
24 Windy Ridge, Loma Ridge, and then most recently the October  
25 Santiago fire.



1           As we have all seen, most certainly just from a  
2           few miles from this very location, when it comes to  
3           protecting lives and property from fire, whether we are  
4           safely evacuating those at risk, or getting a sufficient  
5           number of fire fighters into our neighborhoods to stand and  
6           fight, time is of the essence.

7           If the policy makers decide to complete the 241  
8           extension, OCFA would expect that the benefits we experience,  
9           put with the existing networks, would be realized when the  
10          next brush fire, earthquake, or major disaster hits.

11          Thank you, very much.

12          **MR. ADAMS:** Good evening, Mr. Chairman, members of  
13          the Commission, and thank all of you for being here and going  
14          through all of this. My name is Jim Adams, a council  
15          representative for the Los Angeles Orange County Building and  
16          Construction Trades Council. I have been an Orange County  
17          resident for 48 years, currently residing in Anaheim.

18          Our council represents affiliated construction  
19          unions whose memberships exceed 130,000 skilled crafts men  
20          and women, in the construction industry, living and working  
21          in Los Angeles and Orange County.

22          In attendance, although they will not be speaking,  
23          in respect to your time, as well as their own, Brick Layers  
24          Local Union 4; IBW 441; Operating Engineers Local 12; Iron  
25          Workers 416, 433; District Council of Labor, Southern



1 California; Cement Masons 500; Teamster 952; Plumbers and  
2 Pipefitters Local 582; and Plasters 200.

3 We are here today to support the extension of the  
4 241 toll road, and request that you approve the Coastal  
5 Commission consistency permit, in an effort to move this  
6 project forward.

7 This project is important to the building trades,  
8 not only for the 1,000s of jobs that will be created during  
9 the construction phase, but it will also help ease the  
10 traffic on the I-5 freeway. The building trades unanimously  
11 endorse this project, only after it was approved by TCA in  
12 2006, BIR has weighed each alternative to the project path,  
13 and concluded that this is the favored alternative.

14 Though much has been done to protect the  
15 environment, minimize the footprint through Orange County,  
16 and San Diego, that there should be no challenges at this  
17 time; however, the project still has its detractors, but we  
18 believe they are wrong.

19 This project will have a minimum impact on San  
20 Onofre State Park, and in fact will improve the air quality  
21 in the region due to the ability to move traffic, instead of  
22 having thousands of cars sitting on the freeway.

23 We need this project for the benefit of the  
24 environment, and for the betterment of region's congestion.

25 Thank you.



1                   **CHAIR KRUEER:** Okay, go ahead, sir.

2                   **MR. BOTHADURI:** Mr. Chairman, members of the  
3 Commission, Director Kempton, my name is H'mei Bothaduri. I  
4 am representing the Automobile Club of Southern California.

5                   For more than 100 years the Auto Club has  
6 advocated for traffic safety, and mobility improvements on  
7 behalf of members. Today, we have 50 million members  
8 throughout the country, 6 million in Southern California,  
9 with 1.8 million members and more than 60 percent of  
10 households in Orange and San Diego Counties.

11                   This project, after more than 2 decades of the  
12 studies, analyses, engineering calculations, debates and  
13 discussions, and tens of thousands of pages of reports, and  
14 hundred of pages of engineering drawings, comes to some very  
15 basic, and surprisingly clear and undisputed facts. We have  
16 a congestion problem on I-5. No one disputes that.

17                   The project that cost \$2.5 to \$3 billion to widen  
18 and is going to impact hundreds of properties, will never be  
19 built in California, everybody in this room knows that, no  
20 one can dispute it.

21                   On the environmental issues, the experts can  
22 disagree, but this project is expending 25 percent of the  
23 project budget on environmental mitigation measures. That is  
24 about 2.5 to 3 times the average percentage that similar  
25 projects expend.



1           The applicant in front of you today, TCA, they say  
2 if you want to see what the future is going to look like,  
3 look at the past. TCA has built more than 51 miles of  
4 roadways, in the last 15 years, mostly in environmentally  
5 sensitive areas, some in the coastal zone, and if anything,  
6 they have learned and they will do better in the future.

7           We would like to respectfully request that you  
8 look at these fundamental facts and see the forest, and not  
9 focus on the trees. There are hundreds of people in this  
10 room. There are hundreds of thousands of people who are  
11 sitting and wasting millions of hours of undue delay in  
12 traffic congestion.

13           We would like to request that you approve CTA's  
14 application, thank you.

15           **CHAIR KRUER:** Thank you.

16           Sir.

17           **MR. BURRY:** Thank you, good women and men of the  
18 California Coastal Commission. We need your service for our  
19 coastlines.

20           **CHAIR KRUER:** Excuse me --

21           **MR. BURRY:** I only want to say this --

22           **CHAIR KRUER:** -- would you state your name for the  
23 record, sir.

24           **MR. BURRY:** My name is Vince Burry. I live in San  
25 Clemente.



1           In my view, the purpose of the toll road is not to  
2           give us traffic relief here in Southern California, which we  
3           need. The purpose of the toll road is simply to make money.

4           Thank you.

5           **CHAIR KRUEER:** Thank you.

6           Sir.

7           **MR. TOKEN:** My name is Terry Token, from Costa  
8           Mesa. Commissioners, my worry is that we are turning a cash  
9           cow over to a crew of witless incompetence, the ones who  
10          brought us the defective road surfaces that CalTrans had to  
11          replace, and those obnoxious, "Take The Toll Road" signs that  
12          we are all so tired of by now.

13          If the toll road goes through, in one stroke we  
14          would have one, given the control, construction and  
15          maintenance of the toll road to an organization proven to be  
16          incompetent in all ways.

17          Two, cut a major park and campground in two with a  
18          noisy, polluting, road. Three, vitiated one of the finest  
19          surfing breaks in the world. Four, facilitated a vast  
20          increase of traffic and carbon emissions with its effects on  
21          global warming. Five, split a wildlife environment into a  
22          way that damages it egregiously and irrefutably. Six, let  
23          greedy people charge citizens for travel that should be free,  
24          or at least already paid for. And, seven, taken \$100 million  
25          bribe.



1           Let a hundred politicians speak in favor of the  
2 preposterous does not make it politically correct, much less  
3 right. Let not the still small voice of reason be drowned  
4 out by the sound of the wheel against which these fools are  
5 grinding their ax, bag the toll road.

6           **MR. NEELY:** Good evening, Commissioners, my name  
7 is Tim Neely. I am the director of planning and development  
8 for the County of Orange.

9           For the last 15 years I have lead the county's  
10 efforts to create habitat reserve systems throughout the  
11 county in concert with private landowners, state and federal  
12 wildlife agencies, and local jurisdictions.

13           In 2005, the County of Orange created a 33,000-  
14 acre habitat reserve as part of the southern sub-region  
15 habitat conservation plan. When combined with the reserves  
16 that were established by the county, with the central and  
17 coastal natural community conservation plan in the 1995 era,  
18 we have produced a comprehensive reserve system of over  
19 68,000 acres of natural habitat.

20           Much has been said about the fact that a portion  
21 of the proposed transportation corridor is located within the  
22 western edge of the 1,000-acre Donna O'Neill Land  
23 Conservancy. Indeed, this corridor location was specifically  
24 requested by the environmental agencies to maximize the open  
25 space contiguous habitat areas to the east of the corridor.



1 Displacement of the green alignment along the  
2 western edge of the conservancy is a significant biological  
3 mitigation, that will substantially minimize the effects of  
4 fragmentation on the eastern habitat block, compared to  
5 earlier alignments.

6 Ultimately, the alignment will insure that the  
7 1,000-acre Donna O'Neill Conservancy is preserved, and in  
8 effect, expanded to become an integral component of the  
9 adjoining 33,000-acre habitat reserve.

10 The green alignment is consistent with the  
11 county's reserve system, because large blocks of habitat are  
12 maintained. There will be no net loss of habitat value, and  
13 the indirect impacts of the corridor extension will be  
14 prevented through mitigation measures.

15 Thank you for your consideration.

16 **MR. SCHMITT:** Mr. Chairman, Jim Schmitt, retired  
17 as an attorney, and because a couple of people had to leave,  
18 I am going to represent the San Diego Regional Chamber of  
19 Commerce, the largest chamber in the area, the San Diego  
20 County Taxpayers Association, all of their committees, all of  
21 them -- a number of them supported it, also, the Highway  
22 Development Association.

23 Ronald Reagan's birthday was mentioned.  
24 Interestingly enough, he appointed me to three positions in  
25 state government, Assistant Secretary, Chief Deputy of



1 Business and Transportation, the Toll Bridge Authority, and  
2 the State Transportation Board. I have been active for many  
3 years.

4 One thing that I wanted to mention about  
5 transportation, beside the I-5 relief, this road will be a  
6 tremendous relief. The 241 -- for I-15, people take I-15  
7 from eastern Orange County and Riverside, down south, and  
8 take 76 over to Coronado. I can remember many projects that  
9 have been helped. The 52, for example, from the Santee area  
10 to I-15 has saved Interstate 8 in San Diego.

11 Up in the bay area, those of from the bay area  
12 know what the Golden Gate Bridge, the San Mateo and Dunbarton  
13 Bridges, the Richmond San Rafael, the BART-2, the Martinez,  
14 the eastern Martinez, what those projects have done for your  
15 area.

16 In San Diego, our San Diego Coronado Bay Bridge  
17 saved the traffic in the south county. People were driving  
18 I-5 to Chula Vista, around the Strand, up the Strand to  
19 Imperial Beach, to the Navy bases, and that bridge helped  
20 that.

21 Also, the people's SeaPort Village area was  
22 created because of the fact that people used to park there  
23 and take the ferry over to North Island, the pedestrian  
24 ferry, and then when that happened, the parking was gone, and  
25 they drove over to that side of the thing.



1           One thing about parks, also, in winding up, many  
2     in San Diego County, particular in others, parks were built.  
3     Balboa Park is a natural -- not a natural park, it was built.  
4     You have \$100 million to spend on various mitigation  
5     projects.

6           So, I would just like to suggest that we approve  
7     this project. It is very important. Keep in mind the growth  
8     here is not people moving here to these many areas, in San  
9     Diego County, the numbers show that the growth between now  
10    and 2030, over 65, there is going to be --

11           **CHAIR KRUER:** Okay, your time is up.

12           **MR. SCHMITT:** -- 134 percent increase in people  
13    living too long.

14           **CHAIR KRUER:** Thank you.

15           **MR. SCHMITT:** That is where the growth is, thank  
16    you.

17           **CHAIR KRUER:** Mr. Schmitt, thank you.

18           **MS. KELLER:** My name is Heidi Keller. I am  
19    executive director of the Donna O'Neill Land Conservancy.

20           I am here on behalf of my board of directors,  
21    which have voted to oppose any road that would cut through  
22    the conservancy. In 1990, the conservancy was set aside in  
23    perpetuity to mitigate for 1000s of homes to be built in San  
24    Clemente.

25           The board agrees with staff that the proposed



1 alignment raises disturbing questions about the integrity and  
2 permanence of areas that have been set aside as habitat  
3 preserves, and mitigation for impacts of previously approved  
4 development.

5 We hope the Commission reaches a decision that  
6 will uphold the 1990 promise to the community, to maintain  
7 the Donna O'Neill Land Conservancy as a reserve in  
8 perpetuity, thank you.

9 MS. IGOROSKY: My name is Emily Igorosky. I am a  
10 resident of Rancho Santa Marguerita. I am a parent, and I am  
11 here as a private citizen. I am personally opposed to the  
12 extension of the 241 toll road.

13 As a naturalist for over 6 years, I have had the  
14 privilege of leading hundreds of school children on field  
15 trips through the Donna O'Neill Land Conservancy. Most of  
16 the students have visited from local schools, but some have  
17 come from as far away as Garden Grove, to experience this  
18 native habitat. Over 10,000 students have had the  
19 opportunity to come to the Conservancy on field trips.

20 For many students, it is their first time hiking.  
21 For most students it is their first time to see what an oak  
22 tree looks like, or to touch and smell coastal sage grass.  
23 Students are able to see tracks made by deer, giant wood rat  
24 nests, and hawks flying over head. When they go to the  
25 Conservancy, all they see, hear, and experience, is nature.



1           Some say this road will go on the edge of the  
2 Donna O'Neill Land Conservancy, but that is not the case.  
3 This road will cover 160 acres and cut off 240 acres from the  
4 remaining reserve, and it severs native wildlife habitat, and  
5 57 percent of the Conservancy will remain, forever altered by  
6 traffic, noise and pollution.

7           The Conservancy is supposed to be set aside  
8 forever. What happened? putting a toll road, which will  
9 become a freeway through a wilderness preserve, or a state  
10 park is not progress. There are alternatives, like expanding  
11 the 5 freeway. We cannot keep fracturing the environment.

12           The Conservancy is a unique, quiet, quality  
13 wildlife refuge, one of the last unpaved tracks of nature in  
14 Orange County, and a place that should be a priceless legacy  
15 for generations. Driving a road like a state freeway through  
16 the heart of this preserve would end it forever.

17           Please make a good moral choice for out future,  
18 thank you.

19           **CHAIR KRUEER:** Thank you, Ma'am.

20           **MR. SHANEBORN:** Good evening, Commissioners, my  
21 name is David Shaneborn.

22           **CHAIR KRUEER:** Can you speak up into the  
23 microphone.

24           **MR. SHANEBORN:** My name is David Shaneborn, I am a  
25 resident of Huntington Beach, California. I am a father of



1 four, and I oppose the toll road.

2 I cede my time, thank you.

3 **CHAIR KRUEER:** Thank you, sir.

4 **MR. BLOOM:** Hello, my name is Bill Bloom, and I am  
5 a business representative from the Carpenters Union. I  
6 represent over 200 members that were recently sitting up  
7 front here. I worked on 241. I worked on the 73. I live  
8 adjacent, in my back yard is the toll road. I have never  
9 lost any sleep, my family has never lost any sleep, and there  
10 has never been a negative impact by having the toll road  
11 there.

12 But, I can tell you what the majority of the  
13 people behind me feel, and this is why. There was a recent  
14 conversation had with one of the gentlemen -- apparently, we  
15 are not going to hear it.

16 **CHAIR KRUEER:** What?

17 **MR. BLOOM:** We have a taped message from one of  
18 those gentlemen, earlier. We are cuing it up, excuse me.

19 [ Tape Recording Played ]

20 **CHAIR KRUEER:** You need to shut that off, the time  
21 is up.

22 **MR. BLOOM:** Well, can I speak now?

23 **CHAIR KRUEER:** No, no, you can't use a tape to get  
24 more time.

25 Next.



1           **MR. BRANDO:** Good evening, Mr. Chairman, members  
2 of the Commission, my name is Brad Brando. I am affiliated  
3 with the Carpenter's Union in San Diego. I represent 3,000  
4 members. Thank you for the opportunity to speak on this  
5 issue.

6           Environmental issues aside, I think the heart of  
7 this issue is change. As humans, we don't readily accept  
8 change or embrace it. It is scary. It is unknown. It is  
9 out of the normal.

10          Allow me a quick look back on change from my local  
11 perspective. I feel this is relevant. In the early 60's  
12 construction of the 5 freeway was challenged by all of the  
13 residents in Encinitas, where I grew up, nobody embraced it,  
14 no one thought it was necessary. I don't think today, the 5  
15 freeway, there wasn't anyone on the old 101, everybody was on  
16 the 5, and that is change.

17          In the 60s, it was necessary to sneak into  
18 Trestles, because the Marines were in charge, and they didn't  
19 allow us in, like they do now. Today it is open. You can  
20 walk in, bicycle in, that is change.

21          I urge you to vote "Yes" on this issue. It will  
22 have a positive effect, and will provide hundreds of jobs for  
23 our members and construction workers to provide for their  
24 families, and themselves.

25          No. 2, it will alleviate traffic congestion for



1 years to come.

2 As a former member of Surfrider and a passionate  
3 and active surfer of almost 50 years, I implore you to vote  
4 "Yes" on this project -- less traffic, less smog, more jobs.

5 Trestles will survive. It survived the 5 freeway,  
6 it will survive this toll road. Thank you for your time.

7 **CHAIR KRUEER:** Thank you.

8 **MR. WESTERLY:** My name is Jason Westerly, and I  
9 had a whole long spiel planned, but I think the members of  
10 the public already said everything I wanted to say, with  
11 their feet, and with their signs.

12 And, so in their spirit, I would like to urge the  
13 people of the Coastal Commission to please listen to your  
14 staff and do not approve the construction of the toll road,  
15 and I thank you.

16 **CHAIR KRUEER:** Thank you, very much.

17 Yes, Ma'am.

18 **MS. MORA:** Good evening, my name is Sammy Mora, I  
19 am a civil environmental engineer, living in Escondido.

20 My husband, daughter, and I love nature, animals,  
21 farm life, and thought to build our home where we could enjoy  
22 these things. Three months ago, our home, our vehicles, and  
23 some of our animals burned during the San Diego mountain  
24 fires. Both my daughter and I are asthmatics, and as the  
25 fires moved west, so did we, in search of breathable air. We



1 needed help and support from our families in Orange County,  
2 that we couldn't reach. The 5 and the 15 freeways were  
3 closed, or stopped due to the fires and smoke.

4 This roadways proved to be inefficient in  
5 providing routes of escape to use in case of an emergencies.  
6 We were trapped. With the increasing population traffic is  
7 being affected negatively, mobility is critical during  
8 emergencies. I urge you to consider your needs with regards  
9 to mobility, in addition to your needs for a beautiful  
10 landscape.

11 Our home, and everything we had worked for was  
12 gone. We were tired, afraid, sad, weakened, and having  
13 difficulty to breathe. I hope that none of you are ever  
14 faced with not having a way out. Our animals that survived  
15 the fire died of hunger. We couldn't access them. The roads  
16 were closed.

17 Lessons learned, there are real access issues  
18 between Orange County and San Diego. This project offers the  
19 needed benefit, an alternate route. Alternate routes will  
20 give all of us the chance to reach safe ground, in the case  
21 of an earthquake, flood, terrorist attack, or fires.

22 Thank you.

23 **CHAIR KRUEER:** Thank you.

24 Again, you don't have to take the whole 2 minutes.  
25 We are going to cut it off at 9:00 o'clock, so move forward.



1                   **MR. OLOVEY:** Mr. Chair, members of the Commission,  
2 my name is Rick Olovey, I live in the city of Perris, which  
3 is in Riverside County, over 100 miles from here.

4                   I haven't heard too many people speak from that  
5 area, and I can tell you why. It is very difficult to get  
6 here. Many of the people behind me will be home hours before  
7 I get home.

8                   It is a beautiful scene coming here, and enjoying  
9 that beach. I used to bring my kids there 10 to 15 years  
10 ago. I don't come here often anymore. More likely, I am  
11 down in San Diego, or up in northern Ventura area.

12                  I would love to enjoy this area. I support this  
13 project. A couple of years ago we did have a tsunami. I  
14 heard laughter earlier because of the tsunami mentioned. A  
15 couple of years ago in Indonesia we had a tsunami. We do  
16 live in a seismic zone, and God help the people if there  
17 happens to be one here, and they want to get out. The 91  
18 freeway, for anybody who has been on there, is horrendous,  
19 and I won't use it on any day, unless I have to.

20                  Again, I would like to bring my kids here, but the  
21 traffic is prohibitive. I support this project, and I thank  
22 you for your time.

23                  **CHAIR KRUEER:** Thank you.

24                  **MR. BULROCK:** I am Mike Bulrock, from Oceanside,  
25 Chairman and members of the Commission, unless we reform our



1 transportation, so as to drive less, global warming will be a  
2 human catastrophe. Attorney General Brown seems to under-  
3 stand this, sadly our Governor does not.

4 I am for toll roads, but never new construction,  
5 and never through a state park. No one has shown a true need  
6 for the proposed State Route 241. The fact that I-5 is  
7 congested does not indicate an economic need for more lanes  
8 than I-5, or parallel to I-5, because the demand for a  
9 subsidized commodity often exceeds its supply.

10 Existing freeway lanes should be priced for users  
11 at full cost, and that is the way to reduce congestion.  
12 Californians could have less property tax, sales, and income  
13 tax and less gas tax, and no state bonds for freeways. Why  
14 should California make it artificially cheap to drive a car,  
15 or park a car?

16 Freeway lanes compete with other choices, such as  
17 living close to work, bicycling, car pooling, and using  
18 transit. If freeways were not subsidized, engineers and  
19 investors could then solve our mobility problems with  
20 innovative forms of mass transit.

21 According to Gore's inconvenient truth, the ice on  
22 Greenland, alone, will raise the level of the oceans by 20  
23 feet. The ice on the western section of Anartica will raise  
24 the oceans by another 20 feet. This will destroy the coast  
25 of California, as we know it.



1           Our state must transition to a system in which  
2 neither driving a car, nor parking a car is subsidized,  
3 either by the government, or by any private institution.

4           Please recognize your responsibilities and take  
5 the action that has the best chance of heading off a global  
6 warming disaster.

7           Just please accept your staff's recommendation,  
8 thank you.

9           **CHAIR KRUEER:** Thank you, sir.

10          **MS. MARKS:** My name is Lisa Marks, and I am here  
11 representing the South Laguna Civic Association, who have  
12 hundreds of members in south Laguna. We urge you to support  
13 your staff, and the beautiful words of your Executive  
14 Director, and reject the consistency of the toll road with  
15 the Coastal Act.

16          I cede the rest of my time, thank you.

17          **CHAIR KRUEER:** Thank you.

18          **MR. JACOBSON:** Good evening, Commissioners, my  
19 name is Dan Jacobson. I am a member of the board of  
20 directors of the Donna O'Neill Land Conservancy.

21          But, I don't speak here tonight on behalf of the  
22 conservancy, or even on behalf of myself. I speak on behalf  
23 of Richard J. O'Neill, the patriarch of the O'Neill family,  
24 and the retired chairman of Rancho Mission Viejo. He asked  
25 me to read this letter into the record.



1 "Dear Commissioners, sometimes the proponents  
2 of the extension of the 241 toll road paint  
3 its opponents are no-growth obstructionists.  
4 I am the retired chairman of the board of  
5 directors of Rancho Mission Viejo, and write  
6 on behalf of myself, only. I have built numerous  
7 communities where people live, work, and play.  
8 A good builder builds for the future, building  
9 the 241 would not build for the future, it would  
10 destroy a part of the future. The toll road  
11 extension would plow through the Donna O'Neill  
12 Land Conservancy, 1200 acres of land that is  
13 a key part of the San Mateo watershed, and it is  
14 supposed to remain in its natural state into  
15 perpetuity. If you allow construction of  
16 the toll road, you will allow destruction of  
17 habitats that have supported teeming life for  
18 centuries. Please understand that the toll  
19 road will cut through those habitats, and  
20 will destroy the life that the conservancy  
21 was meant to protect. Thousands and thousands  
22 of California's children visit the conservancy  
23 each year to learn about the life that the  
24 toll road will destroy. The toll road will  
25 destroy not only the future of the now blooming



1           life on the conservancy, but it will curtail  
2           the future of those children. I have been a  
3           good builder for many years. I built self-  
4           sustaining communities, that have greatly  
5           enhanced the future. Building for the future  
6           is the right thing to do, building to destroy  
7           the future is the wrong thing to do, and  
8           building the 241 extension is the wrong thing  
9           to do."

10           Sincerely, Richard J. O'Neill.

11           **CHAIR KRUEER:** Thank you.

12           **MR. HYMSTRA:** Good evening, Commissioners, my name  
13           is Ray Hymstra, and I am with the Orange County Coast Keeper.  
14           I am going to speak to some water quality issues tonight that  
15           haven't been brought up some of the other speakers.

16           I think one of the best ways to look at how the  
17           water quality plan for the 241 will perform, is by looking at  
18           how the current toll roads are performing. So, by looking at  
19           the 73 toll road, for instance, they put in 39, supposedly,  
20           state-of-the art filters when they built that. After 5 years  
21           they ended up with a cease and desist order from the State  
22           Water Board because of the lack of performance, and they had  
23           to be removed at taxpayer's expense. Currently, only 15  
24           replacements have been put in, leaving 62 percent of the  
25           runoff from the 73 toll road draining into Aliso Creek, an



1 impaired water body with virtually no treatment.

2 When we look at the 261 toll road, in order to  
3 save funds there, instead of building the road on pile-ons  
4 through an area of high water table, they decided to use a  
5 dewatering routine, and ends up with 700,000 gallons of high  
6 nitrate selenium waste water that needs to be pumped through  
7 the sewer now, every day.

8 Originally, they were supposed to build a state-  
9 of-the art denutrafication facility to treat the water;  
10 however, once again, it didn't work. So, currently, the  
11 state has to pay \$800,000.00 a year to sewer the 700,000  
12 gallons a day of waste water.

13 Also, and even worse, during rain events, the  
14 waste water cannot be directed to the sewer system, so it  
15 ends up untreated being directly sent to San Diego Creek, and  
16 into Newport Bay.

17 As an example, in January, over 2,000 pounds of  
18 nitrates, and 4 pounds of selenium ended up in Newport Bay,  
19 because of these poor water quality controls.

20 And, with the 241, they are proposing sand  
21 filters, little more than a sand box, and it will not remove  
22 any of the dissolved fraction of pollutants which makes up up  
23 to 50 percent. I urge you to look at these water quality  
24 plans carefully, thank you.

25 **CHAIR KRUEER:** Thank you.



1           **MS. BURAN:** Good evening, my name is Ilsa Buran,  
2 and I am an historian from San Juan Capistrano, and I have  
3 corresponded with you, and told you my deep concerns about  
4 Panhe, and the proposed extent of the toll road.

5           In 1981, the San Mateo National Register of  
6 Archaeological District was placed on the national register  
7 of historic places. This included 4 sites, 2 other sites  
8 right next to it are eligible under the criterion A and B by  
9 the keeper of the register in 1981, and that finding was  
10 confirmed by SHPO through consultation.

11           Under the *National Historic Preservation Act* an  
12 eligible property has to be dealt with in the same manner as  
13 the property that is already listed on the national register.

14           I urge the Commission to vote "No," support our  
15 efforts to protect Panhe's prehistoric sites in San Mateo  
16 Canyon, because we can ill afford to lose them. Once they  
17 are gone, they are gone for good, thank you.

18           **CHAIR KRUEER:** Thank you, Ma'am.

19           **MR. FRASER:** My name is Bob Fraser, and I am from  
20 the San Mateo Canyon wilderness, that is where I have lived  
21 for 50 years. I run cattle under government permit through-  
22 out the wilderness, and before it became a wilderness.

23           I am here to ask for some kind treatment to San  
24 Mateo Creek. San Mateo Creek rises on my land, we take care  
25 of her there, and that is probably because there aren't many



1 people around. Then, the mountains take over, and San Mateo  
2 Creek runs through these steep canyons, loaded with rocks and  
3 boulders and deer, and not too many people go there, but the  
4 mountains take care of that creek until it comes into Camp  
5 Pendleton, just below the Indian Patrao. It goes down  
6 through Pendleton, and out to the ocean.

7 Remember, that this creek is critical habitat for  
8 the steelhead trout -- or the steelhead salmon, as they call  
9 it up in Seattle way. That is an indication that there  
10 should be something special for this lady, and I think one of  
11 the special things for her is to vote a negative for the toll  
12 road, thank you.

13 **CHAIR KRUEER:** Thank you, sir.

14 **MR. WHITE:** Good evening, I am Al White, 35-year  
15 resident of San Clemente. Commissioners, deny the project.  
16 You have heard very good advice from your staff, who seem to  
17 be professional and ethical. The importance is not to worry  
18 about the development. We are victims of our own car  
19 culture. We are addicted to oil. It is destroying us. It  
20 is destroying our lives. It is the source of many other  
21 problems.

22 What we need to do is to realize that we are a  
23 part of nature, and I wish you would vote for nature, for  
24 those 2 bird species, for the toad, for the mouse, for the  
25 steelhead trout, these are your concerns.



1                   Your mission is to protect the coast. Your  
2 mission is not to worry about those of us, all of us, who are  
3 victims of our own addiction to the automobile. Please deny  
4 the permit, thank you.

5                   **CHAIR KRUEER:** Thank you, sir.

6                   **MR. BENNISH:** My name is Doug Bennish, I live in  
7 San Clemente, and having worked for the FAA as an air  
8 controller for many years, I can tell you that extending the  
9 241 will not reduce Orange County's freeway traffic,  
10 ironically, it will actually increase it.

11                   That is because extending the 241 will encourage  
12 thousands of people from points north and east to use the 241  
13 to join the 5 at San Onofre Trestles area, thereby creating a  
14 brand new bottleneck. When that happens, the weekend  
15 gridlock traffic you already see on the 5 stretching from Del  
16 Mar to L.A. will be far worse than it is now.

17                   Why encourage these developments? why not,  
18 instead, encourage people to live closer to where they work  
19 and play? and why rape the last pristine coast in Southern  
20 California?

21                   Now, some may say that "rape" is too strong of a  
22 word, but it is the rapist who say that. That is because  
23 they have so little idea of what harm their actions do.  
24 There is more to pollution than chemical runoff and habitat  
25 destruction. There is also auditory, spatial, visual,



1 physical, emotional, mental and spiritual pollution. If you  
2 don't think so, try living next to a freeway.

3 Disconnected from the peace, the grandeur, the  
4 joy, the beauty, and the truth of nature, a rapist thinks of  
5 it mostly as something to be taken for their own purposes.  
6 That is why their assurances of care are like putting  
7 lipstick on the little girl they have just ravaged.

8 Coastal Commission, I beg you, the San Onofre San  
9 Mateo Trestles area is your daughter, she has no one to  
10 protect her but you.

11 **CHAIR KRUEER:** Thank you, very much.

12 **MR. SPARSA:** Good evening, Commissioners, I know  
13 it has been a long day and evening, and I'll be short and  
14 brief. I am Amando Sparsa, representing 3400 laborers in  
15 Orange County's Labor Union, and I am here to ask you to  
16 support, and please approve this project.

17 And, I have some literature here that I will pass  
18 up there, thank you.

19 **CHAIR KRUEER:** And, thank you, for doing that.  
20 Again, we only have 20-some minutes left, so if you could  
21 make your comments as quickly as possible.

22 **MR. LEMMON:** I appreciate that. My name is Tom  
23 Lemmon, I am the business manager of the San Diego Building  
24 and Construction Trades Council. Much like my predecessor  
25 before me, like Jim Adams said, for the L.A. Orange County



1 Building Trades, we are in support of this project, 35,000  
2 men and women of San Diego Building Trades Council completely  
3 support this Foothill South corridor, because it will create  
4 jobs, strengthen the economy, as well as relieve congestion  
5 for the region.

6 I will cut my comments short, thank you.

7 **CHAIR KRUER:** Thank you, sir, thank you for doing  
8 that.

9 Yes, sir.

10 **MR. BROAD:** Good evening, I am Barry Broad,  
11 director of the California Teamsters Public Affairs Council.  
12 Our union supports this project.

13 Obviously, there are strong passions on both  
14 sides. I am often struck in these situations that people  
15 should be reminded that some of their bitterest enemies also  
16 love their children just like they do, and that this is not a  
17 contest between pure good and pure evil. Rather, it is a  
18 classic clash of the things that government needs to figure  
19 out in its capacity as an arbiter of different policy  
20 agendas.

21 Here there is nothing pure about this situation.  
22 Obviously, we have a state park, but it is a state park owned  
23 by the federal government, with the Marine base on the other  
24 side. It is a purely California notion. I think the rest of  
25 the world would be amused to know that the solution, the



1 proposed alternative, is to double the size of an already  
2 enormous interstate freeway through an urban area.

3 So, you know, neither solution is going to make  
4 anyone purely happy, but what I think here is that there is a  
5 balance that is struck, and I think the balance is struck  
6 fairly. This project has gone through the entire environ-  
7 mental process. There is mitigation money available, and  
8 that money can restore a lot of the damage that might be  
9 caused by this.

10 And, I think, on balance, this is a project that  
11 can and should be approved for all of the reasons that were  
12 discussed earlier today.

13 Thank you.

14 **CHAIR KRUEER:** Thank you, sir.

15 **MR. SOUTHERN:** Good evening, my name is Tom  
16 Southern, and I live in San Clemente. Just for the record, I  
17 wasn't paid to be here tonight. I happen to work 6 days and  
18 4 nights a week for the privilege of living in the land that  
19 I was born in, and I continue to do so, in part, because of  
20 the amenities this place provides.

21 The beaches and parks surrounding San Clemente are  
22 an important pressure release for millions of people a year.  
23 The California State Parks System is extremely important to  
24 the well being, both physically and economically, for the  
25 entire state.



1           This road project is not about jobs. It is not  
2 about relieving traffic, and it is not about access. The  
3 purpose of this TCA is to establish the legal precedent to  
4 allow a private corporation to take public land for the  
5 benefit of themselves, at the expense of the public.

6           Part of the land that is threatened has been put  
7 aside as mitigation for previous development. When does  
8 protected mean protected? When is enough, enough? The State  
9 Parks are not for sale.

10          The credibility of this Commission is at stake. I  
11 urge you to vote "No" on this project, thank you.

12          **CHAIR KRUEER:** Thank you, sir.

13          **MR. CHANEY:** Hello, my name is John Chaney. I am  
14 from Laguna Beach, and I was born in L.A. in '47, you know,  
15 and I have watched a lot of it change, all of it change.

16          And, to see Crystal Cove hills go, Salt Creek,  
17 Dana Point, Doheny, Surf Paradise, I see our culture  
18 mentally, physically, and spiritually bankrupt. The kids are  
19 on drugs that psychiatrists give them, adults are on drugs,  
20 we need to think outside of the box, you know.

21          And, there is a third way, you know, instead of  
22 this win lose, I win, winner takes all, losers get kicked,  
23 you know. We need to build sustainable green communities  
24 around farming areas, and we need to tear the roads down and  
25 put in cheap transportation, and it is late in the game, and



1 we can't sit around and have these bandaid solutions anymore.

2 Thank you, I love you.

3 **CHAIR KRUER:** Thank you, sir.

4 **MR. KOONS:** Thank you, Mr. Chairman, members of  
5 the Commission, and especially staff, Bruce Koons, executive  
6 director of the Save Our Heritage Organization, SOHO. We are  
7 California's oldest historic preservation group, and one of  
8 the largest in the nation. We are, also, local partners with  
9 the National Trust Historic Preservation.

10 The San Mateo Creek, and the San Onofre Creek beds  
11 are a very important cultural landscape, and we haven't heard  
12 a lot about that information tonight, but from the Native  
13 Americans to a special event that happened just east of the  
14 Indian village, was the baptism of the first Christian  
15 baptisms in California, and this changed, on this spot  
16 history was made and it changed forever the course of what  
17 became the western coast of the United States of America.

18 And, on this spot were Father Serra, and Governor  
19 Portola and the Native Americans, met, and still looks the  
20 same as it did at that time. It is easily recognizable. It  
21 is an extremely important historic spot. For better or  
22 worse, California and the west coast was changed forever,  
23 now, on this spot, and you can go there today, stand in that  
24 spot where this happened. There are very few places in this  
25 country where you can go where such a pivotal event occurred.



1           After that, the San Mateo ranch house was built,  
2 towards the end of the valley, where the toll toad will come  
3 across the divide -- another historic site -- and then it  
4 will cross over the ghost town of Forester, and it will  
5 destroy the final remnants of that site. So, please preserve  
6 this valley, and preserve this extremely important historic  
7 resource and cultural landscape that was based on the  
8 watersheds that were in this area, and are still in tact  
9 today, thank you.

10           **CHAIR KRUER:** Thank you.

11           **MR. DONALDSON:** Mr. Chairman and members of the  
12 California Coastal Commission, my name is Milford Wayne  
13 Donaldson. I am the State Historic Preservation officer, or  
14 properly known and the SHPO.

15           My staff and I have been working for over 15  
16 years, consulting with the Federal Highways Administration,  
17 the Advisory Council on Historic Preservation, as required  
18 under the Section 108 of the *National Historic Preservation*  
19 *Act*. And, we have also been working with your staff, and  
20 consulting with your staff on the significant archaeological  
21 and cultural resources along the proposed route.

22           In order to shorten this up, I think I will just  
23 move into what has been one of our biggest problems that we  
24 have had with both TCA, their consultants, and the Federal  
25 Highways Administration. We have been asking for a study to



1 show this property is traditional, cultural property, and  
2 whether or not what the factual impacts on these resources  
3 may be.

4           However, most of the people think that a  
5 traditional cultural property is only related to Native  
6 American use, and in fact, it is not. A traditional call for  
7 the property is really the roll that the property plays  
8 within the community's historical rooted beliefs. And, in  
9 doing so, we are finding that Trestles is one of those  
10 special places that is not only 50 years old, but it also is  
11 dealing with the events, the people, the construction, and  
12 maintaining a very high level of integrity.

13           The community's use of the Trestles goes back to  
14 the 1930s, and it then progresses up to the '50s when  
15 fiberglass and foam was born, and it has become, probably,  
16 the most unique integral component part of the Southern  
17 California culture. It has incredible associated values.

18           I am here under the Coastal Act to support the  
19 staff's report findings and further investigation and  
20 research is needed, for both Panhe and Trestles, as a  
21 traditional coastal property, and conclude that the  
22 reasonable mitigation has yet to be fully proposed.

23           Thank you.

24           **CHAIR KRUEER:** Thank you, very much.

25           **MR. CUNNING:** Hi, Patrick Cunning, on behalf of



1 the Labors Union statewide. I represent 80,000 workers in  
2 California, several of which were represented earlier today,  
3 but had to get back to their families.

4 I would appreciate it if staff took their comments  
5 earlier, and allowed them to be in for the record, even  
6 though they are not here right now, to be able to give that  
7 presentation.

8 We support building the road, because it  
9 represents over 20,000 good well-paying jobs for our members,  
10 members not only of the state, but also members who are  
11 representative of this community. This preserve already is  
12 home to some of California's most important public works, a  
13 nuclear power plant, railroad trestles at the beach, 2 road  
14 that already pass through it, I-5, and Cristianitos Road.

15 This toll road will shorten commute times  
16 significantly for all workers in the area. We also believe  
17 that this project will help the local economy, providing more  
18 access to the park's facilities, and is an environmentally  
19 sound solution to a lot of our future transportation needs.

20 And, we really appreciate your support of this  
21 project moving forward. With that, thank you.

22 **CHAIR KRUER:** Thank you, sir.

23 Again, we have got about 10 minutes left.

24 **MR. HOOCHIN:** Good evening, Commissioners, my name  
25 is Charles Hoochin, and I am from Del Mar, and I am an



1 attorney here.

2 I am here tonight to talk about intent. I think  
3 my experience and background, and qualifications gives me  
4 that ability. I was previously on the staff with the Coastal  
5 Commission. I was the liaison officer with the California  
6 Attorney General, I communicated with the California Attorney  
7 Generals as to recommendation for prosecuting violators of  
8 the *Coastal Act*. I also, created model local coastal plans  
9 for the State of California, when the *Coastal Act* was in its  
10 infancy.

11 I am here tonight to tell you that in my  
12 professional opinion, this toll road is inconsistent with the  
13 mandate you have, and that mandate is to preserve a unique  
14 California resource, which overwhelmingly the citizens of  
15 California voted for.

16 I urge you to follow the staff's recommendations,  
17 they are worthy, and they protect the *Coastal Act*.

18 Thank you.

19 **CHAIR KRUEER:** Thank you, sir.

20 Ma'am.

21 **MS. FLACK:** Hi, my name is Dana Flack, and I am a  
22 member of the San Diego chapter of Surfrider, and I had ceded  
23 my time; however, I was asked to speak on behalf of the  
24 Washington DC chapter who collected 26 pages of signatures  
25 from around the country showing this is not only a California



1 issue, but the nation cares, is watching, and asks you to  
2 oppose the toll road.

3 Thank you.

4 **CHAIR KRUEER:** Thank you, and thank you for coming.

5 **MS. GINNES:** I am Sandra Ginnes, and I would like  
6 to address some representations that have been made regarding  
7 the past history of the Regional Transportation Improvement  
8 Plan.

9 In the early '90s I served on the SCAG regional  
10 council as mayor of the City of Costa Mesa, and there was a  
11 lot of discussion about tollways and inclusion in the RTIP,  
12 and they were, at best, shown as dotted lines between point A  
13 to point B. I assure you there was at no time any discussion  
14 of any tollway going through San Mateo Canyon through the  
15 park.

16 And, as someone who loves San Mateo Canyon from  
17 its headwaters in the federal wilderness area, to its mouth  
18 in an also federal reserve area, I want you to remember that,  
19 thank you.

20 **CHAIR KRUEER:** Thank you, Ma'am.

21 **MS. SATTTLER:** Barbara Sattler, for the City of  
22 Rancho Palos Verdes.

23 It is the responsibility of the cities,  
24 themselves, to evaluate traffic impacts before they approve  
25 development, after development, after development.



1           The Coastal Commission's responsibility is to  
2 consider impacts to ESHA, and you have ample evidence before  
3 you, from expert's biological opinions that the impacts to  
4 ESHA will be so severe that they cannot be mitigated.

5           Please deny this project.

6           **CHAIR KRUER:** Thank you.

7           **MS. COOCHER:** I am Cecilia Coocher, representing  
8 the Orange County Chapter of the California Native Plant  
9 Society, and I wish to emphasize a few points in the letter  
10 that I sent to you folks, about a week ago.

11           We concur fully with the staff report and  
12 recommendation. In addition to the environmental problems of  
13 the preferred alternative, we are really concerned that the  
14 precedent set by the preferred alternative route would negate  
15 the resource protection purposes of the Coastal Act, the  
16 NCCP, the HCP, and similar programs, and will have serious  
17 reverberations for all environmental protections laws.

18           All of California parks are protected areas, which  
19 belong to all Californians, and would be at risk at having  
20 their integrity and permanence shattered by private projects.

21           We urge the Commission to vote "No" on the motion  
22 to concur and to approve a resolution to object to the  
23 consistency certification.

24           Thank you.

25           **CHAIR KRUER:** Thank you.



1           **MR. ROBERTS:** Commissioners, I am Fred Roberts,  
2 the San Diego Chapter of the California Native Plant Society,  
3 and our chapter strongly opposes the tollway through the  
4 state park, and as an addition to our knowledge on it, I have  
5 a lot of biological experience in this area, both as a  
6 botanist, for example, who surveyed the Donna O'Neill Land  
7 Conservancy just to the north, looking for rare plants and  
8 animals down in the San Mateo area.

9           And, I can tell you your staff did a wonderful job  
10 on their report and we strongly support their conclusions,  
11 and that you should reject the consistency determination.

12           **CHAIR KRUER:** Yes, sir.

13           **MR. COLE:** Hello, my name is Mark Cole. I am a  
14 resident of Redondo Beach, California, a student at UC  
15 Irvine, so presently, I am living in Irvine.

16           And, first and foremost I would like to thank the  
17 Commission, the Chair, and the staff, for your stamina, and I  
18 can assure you all that it is greatly appreciated.

19           I would like to address one issue that I really  
20 don't think was addressed by very many people today, and that  
21 is the issue that the best solution to the traffic problem is  
22 to build another road. I think it is common sense that  
23 building another road encourages cars to drive on the roads,  
24 and so in reducing traffic we should encourage people to get  
25 out of their cars, and encourage things like mass transit.



1           Also, I am a frequent and avid surfer, and I just  
2 wanted to let everyone know that Trestles is a very special  
3 place. Surfing at Trestles is unlike surfing anywhere else  
4 in Southern California. The 25 minutes it takes to walk down  
5 that trail is unlike walking down to any other surf spot in  
6 Southern California.

7           And, I would like to thank all of you.

8           **CHAIR KRUEER:** Thank you.

9           **MS. LOCKREY:** Good evening, my name is Patricia  
10 Lockrey, and I live in Fullerton, California.

11           Before I present, I wanted to note that while  
12 there is a very vocal minority here tonight, the elected  
13 officials who represent the millions of constituents, who  
14 were actually at work today, overwhelmingly support --

15       [ Audience Reaction ]

16           **CHAIR KRUEER:** Please, please, no audible, please.

17           **MS. LOCKREY:** -- overwhelmingly support the  
18 completion of the 241.

19           I think it is important for people to remember who  
20 owns this land. It is not owned by the state, but it is  
21 owned by the federal government, specifically the Navy, for  
22 the U.S. Marines at Camp Pendleton. I am sure Camp Pendleton  
23 is represented here today, so I would encourage you to ask  
24 the Marines, could the alignment be moved further south?  
25 further into their base? and I can assure you that the answer



1 is "No".

2 The only alignment that is acceptable to them is  
3 the alignment that goes along the northern edge of their  
4 property. When the state signed their lease with the  
5 Marines, they did so with the knowledge that the Navy  
6 reserved the exclusive right to grant additional road rights  
7 within the leased area. It has been told to me that the  
8 state pays \$1 per year for this land, and they are trying to  
9 tell the Marines what to do on their land.

10 And, in 13 years, the state's lease will expire,  
11 and under the new federal law, the State Parks will have to  
12 pay fair market value for the land, if they want to continue  
13 to lease it. As part of their agreement TCA is willing to  
14 provide State Parks with \$100 million, which could add  
15 another 50 years onto the San Onofre State Beach lease.

16 The toll road would provide traffic relief, as  
17 well as giving us the money to extend the lease for the State  
18 Parks. Thirteen years is not as far off as you think --

19 CHAIR KRUEER: Ma'am, your time is up.

20 MS. LOCKREY: -- and the TCA did a wonderful job  
21 presenting today.

22 CHAIR KRUEER: Thank you, Ma'am.

23 Sir.

24 MR. LOCKREY: Hello, my name is Bill Lockrey. I  
25 live in Fullerton, and I have two sons who are Eagle Scouts,



1 and I have done a fair amount of camping throughout  
2 California. Today, much has been made about the 241 going  
3 through and coming within about 400 feet to the nearest camp  
4 site, at the San Mateo Campground.

5 Opponents to the completion of the 241 say that if  
6 the road is built, the San Mateo Campground will close, even  
7 though the average camp site is 2 football fields away, and  
8 the 241 will also have a sound wall.

9 My question to those advocating abandoning the San  
10 Mateo Campground because of the 241 then why wouldn't camp  
11 sites along the coastal bluffs of the San Onofre State Beach  
12 be closed? they are closer to the I-5 than the San Mateo  
13 Campground would be to the 241.

14 Nearly every state park has roads that run through  
15 it, including even Torrey Pines, where the U.S. Open is going  
16 to be played this year.

17 Also, as was just mentioned, those lease lands  
18 belong to the Marines, and in 2021, they are going to have to  
19 pay market value for that, and the \$100 million from TCA will  
20 help pay for that for the next 50 years.

21 In summary, please make your decision this evening  
22 based on facts, and not a lot of the myths that have been  
23 promulgated today.

24 Also, make sure you listen. There are numerous  
25 officials that talked today, and they represent probably 2.5



1 to 3 million Orange County residents -- the majority of  
2 Orange County residents want that toll road built.

3 Thank you.

4 **CHAIR KRUER:** Okay, next speaker.

5 **MR. OSBOURNE:** My name is Stella Osbourne, and I  
6 am a member of the Acjachemen Nation, Juaneno band of Mission  
7 Indians.

8 Before I read a couple of excerpts from another  
9 fellow member, Sally Cruz Wright, who couldn't be here  
10 tonight, a letter to Governor Schwarzenegger, I would just  
11 like to point out that a lot of people are saying this toll  
12 road is going to help with the congestion, but I can't always  
13 pay the toll road to go down to Riverside, and when I come up  
14 the 91, or go down the 91, 55, apparently a lot of thousands  
15 of people can't pay it either, so it will be the same thing  
16 with this other one.

17 Sally Wright writes to Governor Schwarzenegger:

18 "Please accept this letter as a formal request  
19 to enter the fight to protect my homeland, the  
20 land of my ancestors is under attack, under  
21 attack by those who propose a toll road, a  
22 road which will place concrete over the  
23 bones of my ancestors, a road that will  
24 desecrate land that has long been thought  
25 sacred to my people. We honor our ancestors.



1 We honor our sacred burial grounds, and we  
2 honor those who endured the atrocities they  
3 were made to face endure each day. On January  
4 20, 2008, I attended a song fest that was  
5 held on Panhe. During this meeting a statement  
6 was made by a member of my tribe, and I cannot  
7 let it go. The essence of this statement was,  
8 as Native Americans, we love America, but as  
9 Indians America does not love us, why? Native  
10 Americans have proven to be extremely loyal  
11 to this country and have volunteered to  
12 protect the rights on humanity, to protect  
13 the homeland of others, in essence, when  
14 they did not have one of their own. When  
15 World War I broke out, our Native American  
16 Indians were not considered citizens. They  
17 would not have citizenship bestowed upon  
18 them until June 2, 1924, yet, still a large  
19 percentage of the top volunteered to join  
20 the U.S. Military along with about 10,000  
21 other native Americans. These are reasons  
22 I ask you for your help for the contributions  
23 that the Native American Indians have made  
24 in defending your homeland. They have fought  
25 unselfishly to protect..." --



1                   **CHAIR KRUER:** Ma'am.

2                   **MS. OSBOURNE:** -- "...the homelands of others.

3                   They have fought unselfishly to bring freedom to  
4                   others. They fight for your right..." --

5                   **CHAIR KRUER:** Ma'am --

6                   **MR. OSBOURNE:** -- "...to be free, and to  
7                   come to their land."

8                   Thank you.

9                   **CHAIR KRUER:** Okay, this is the last speaker,  
10                  coming up, it is 9:00 o'clock already, and that is why I was  
11                  begging everybody to move along -- no, this is the last  
12                  speaker.

13                  **MR. ROBLES:** [ Indian Greeting ]

14                  Honorable Chairman, exhausted Commissioners,  
15                  overworked staff, my name is Lewis Paul Robles, Jr. I am a  
16                  proud member of the Juaneno Band of Mission Indians,  
17                  Acjachemen Nation.

18                  My family has been along the creeks of the San  
19                  Mateo Creek for hundreds of years, and to my friends from the  
20                  TCA, that is fact. It not a myth. We live here. We worship  
21                  here. We pray.

22                  I am able to stand in the exact spot that my  
23                  ancestors did. This is not fairy tales. This is known,  
24                  because my ancestors, Elbaro, Nemencia, Marcaria, Bendinutia,  
25                  were born in the village of Panhe, and I am able to pray



1 where my ancestors prayed.

2 How do you mitigate that? I sit beneath the stars  
3 that they sat beneath. I buried ancestors there.

4 The times when you say "need over greed" do we  
5 need this toll road? Yes, there are things to gain, but what  
6 all of us here stand to lose, whether we realize it or not,  
7 that far outweighs any gain.

8 My ancestors left me a legacy that I am going to  
9 carry on for future generations, and Commissioners, each of  
10 you here have ancestors before you, and you have a legacy to  
11 leave for we, the people of California.

12 You have heard this is the last virgin canyon. It  
13 is the last habitat of these creatures. This is the last  
14 place I am burying my ancestors. This is the last place I am  
15 walking to gather sage where my ancestors did.

16 The song we sang to you earlier, we were honored  
17 to do -- the words said, "Ancestors, hear me, listen to my  
18 heart."

19 Commissioners, listen to your heart, listen to  
20 your ancestors, do not allow this ill-conceived divisive,  
21 destructive toll road.

22 **CHAIR KRUEER:** Okay, now it is time for rebuttal.  
23 Now, it is time for the TCA rebuttal, they have 16.5 minutes.

24 **UNIDENTIFIED SPEAKER:** We have been here all day,  
25 how about us?



1                   **CHAIR KRUER:** I know, so has everybody, and so  
2 have we.

3                   **UNIDENTIFIED SPEAKER:** But, here is everybody --

4                   **CHAIR KRUER:** Sir, I told everybody we were going  
5 to stop at 9:00 o'clock.

6                   **UNIDENTIFIED SPEAKER:** I couldn't make them talk  
7 faster. I would like one minute, that's it.

8                   **CHAIR KRUER:** Sir, I said, I told everybody 9:00  
9 o'clock much earlier. Many times I --

10                  **UNIDENTIFIED SPEAKER:** I have been here since 9:00  
11 o'clock.

12                  **CHAIR KRUER:** Sir, I understand it, and there have  
13 been a lot of people -- sir, no, we are not going to change  
14 it. We are going to be fair.

15                         So, go ahead with your rebuttal, sir.

16                  **MR. MARGRO:** Are we ready?

17                  **CHAIR KRUER:** Yes.

18                  **MR. MARGRO:** Tom Margro, for TCA, thank you,  
19 Commissioners, and I know it has been a long day, and so I  
20 will try to be brief with my rebuttal. I want to respond to  
21 a few of the things that you may have heard before, earlier  
22 in the day, by our opponents.

23                         Let me first start with the issue of Regional  
24 Water Quality Control Board letter. What you heard from our  
25 opposition was that the project does not meet water quality



1 standards.

2 The letter also reads:

3 "Denial without prejudice is for procedural, not  
4 substantive reasons, and does not include any  
5 judgment on the technical merits of the project."

6 The truth is that the Board had just asked us for  
7 more information. This is a routine request that we go  
8 through, as we work through the certification process.

9 Let me talk a little bit about grading and  
10 sediments, as a very large amount of discussion was on that  
11 today. Our evaluation was based on engineering analysis. We  
12 submitted actual historical photographs that you saw today to  
13 support our position. What you saw from our opponents showed  
14 concepts with no analysis behind it.

15 You can be assured that the project's graded areas  
16 will be stabilized, and will not erode and produce excess  
17 sediments, because we have taken the following actions: the  
18 TCA must comply with the requirements of the *Clean Water Act*,  
19 and the *State Porter Cologne Act*, that require that an  
20 effective combination of erosion and sediment control during  
21 construction. The TCA must inspect slopes in construction  
22 BMPs -- best management practices -- before, during, and  
23 after storm events to insure all controls are effective.

24 Vegetation reestablishment will be the primary  
25 goal for all constructed slope areas. Until vegetation is



1 established to acceptable levels, there are temporary erosion  
2 control products that are highly effective. These products  
3 include erosion control blankets, hydraulically applied  
4 mulches, soil binders such as guar, starch and bonded fiber  
5 matrix.

6 The TCA constructor, our construction manager, our  
7 independent quality control manager, the Regional Quality  
8 Control Board, and CalTrans will all be responsible for  
9 inspecting the site during construction to insure that  
10 erosion and sediment controls are operating at peak  
11 performance.

12 The project will include a storm water sampling  
13 plan, implemented both during and after construction, to  
14 measure the effectiveness of the sediment and the erosion  
15 controls, and to provide a feedback mechanism to enhance, if  
16 needed, to meets the state and federal requirements.

17 Visual simulations was mentioned earlier, as to  
18 the public views, the protected views are from the beach, and  
19 not from the ocean -- as the court in the Snyder case  
20 explained. There will be no adverse visual impacts from the  
21 beach, and you can see that from the view simulations that  
22 were attached to the back of our briefing book, and there is  
23 one shown here.

24 A little bit on alternatives. The EPA letter to  
25 the FHWA does not change their stance on the collaborative



1 decision. What it does is that it requests that the  
2 collaborative convene and assess those concepts, and whether  
3 further action should be taken.

4 I would like to speak a little bit about what you  
5 heard from Smart Mobility, and from the peer review. To  
6 start off with, the number of lanes, in their report, still  
7 does not match those that were in the alternative that we  
8 studied. Over one-fifth of the length of Interstate 5  
9 project is missing traffic lanes. Two of the interchange  
10 designs that were mentioned here today have been rejected  
11 from further study by the Cities of San Juan Capistrano and  
12 San Clemente. I have the studies here. They were looked at,  
13 and they were rejected.

14 The innovative concept sensitive design that you  
15 heard so much in their papers, turned out to be just that, a  
16 concept. It didn't work.

17 The peer review, the firm of Bergman mentioned  
18 that the elements of the Smart Mobility Report were concepts  
19 only, and not refined plans, and that is what they were,  
20 concepts. They said that it had solid potential. Our  
21 agency, CalTrans, and the collaboratives, all with registered  
22 California engineers said, "It does not."

23 The final question, really, for you is this: is  
24 there a pathway for this Commission to vote for consistency  
25 certification? we believe the answer is "Yes." The pathway



1 is cleared by the facts, and through the application of  
2 balancing, just as you have done in the past. The facts are  
3 clear when we strip away the sound and the fury.

4 Let me just state a few of these: no damage to the  
5 surf; cleaner water off of I-5; more access to the coast for  
6 all Californians, not just the privileged few; wetlands  
7 mitigation on a 6:1 ratio; preservation and even enhancement  
8 of endangered species; no loss of camp sites: \$100 million  
9 for park enhancements; safety valves for emergencies; cleaner  
10 air in the region.

11 You also have a critically important legal and  
12 precedential pathway, and that is the historic application by  
13 this Commission of balancing provisions to improve  
14 transportation in the coastal zone. It is absolutely clear  
15 that with regards to using balancing provisions we have  
16 demonstrated that the Commission can and has time and time  
17 again used the balancing provisions to approve transportation  
18 projects in the coastal zone, on the basis of public access,  
19 water quality, and public safety.

20 And, one of these decisions, State Route 73, was  
21 significant because there the widening of Pacific Coast  
22 Highway was an alternative, but the Commission rejected it  
23 because it would have destroyed a coastal community, just as  
24 I-5 widening would do to the coastal communities of San  
25 Clemente, Dana Point, and San Juan Capistrano.



1           You heard from the compelling testimony of  
2 Supervisor Pat Bates, from her direct personal experience,  
3 that in the wake of the Bolsa Chica decision, she and her  
4 Assembly colleagues, conducted a workshop, where Mr. Douglas  
5 and your former Chief Counsel Mr. Faust, both confirmed,  
6 insisted and emphasized that you can balance to approve  
7 transportation projects.

8           Let me remind you of the statement of Mr. Douglas  
9 that Supervisor Bates shared with you earlier today, and I  
10 quote:

11           "We have never found a single case that we  
12           haven't been able to deal with and address,  
13           because of the Bolsa Chica decision."

14           His words were clear, the Legislature relied on  
15 the assurances of Mr. Douglas and Mr Faust, and in fact, this  
16 Commission did, as well, under threat of explicit legislation  
17 your staff insisted that such legislation was not needed  
18 because the balancing provision was already available by  
19 precedent.

20           The balancing section of the *Coastal Act* could not  
21 have a more apt application than the one here. It is meant  
22 for this kind of project. The commitments of your staff, and  
23 precedence set by this Commission cry out for application to  
24 the completion of State Route 241.

25           Mr. Kaufmann counseled you on your options under



1 the law. You clearly have the discretion to approve this  
2 project by balancing in favor of any one or combination of  
3 all of these policies: again, public access, lower cost  
4 visitor-serving recreational uses, water quality, and public  
5 safety, in a manner that is most protective of the coastal  
6 resources, both man made and natural, including access to  
7 coastal resources. For these reasons alone, we respectfully  
8 submit the consistency certification should be approved.

9           There is another compelling reason. There are so  
10 many voices here today that you have heard, but we ask you to  
11 hear the silent voices from those who could not attend here  
12 today. These voices would likely agree with one thing that  
13 Mr. Douglas said earlier: this may be the most important  
14 project to come before the Commission. Yes, for those who  
15 are wasting away time at the choke point of cars and trucks,  
16 and concrete and fumes, merely because they need to work, or  
17 take their children to school, or go to the doctor, or to the  
18 market, or as is the mandate of this Commission, to do all  
19 that it can do to make it easier for them to take their  
20 families to the beach from a city as far away as 80 miles, or  
21 100 miles.

22           We set out to listen to these voices, and to act.  
23 Over the last 20 years, more than 250 city councilmen, mayors  
24 and supervisors have served on the toll road board. Like  
25 many of you who are public officials, they listened to those



1 voices every day, and as public servants of good will, they  
2 worked as volunteers to do something about the future of  
3 their community, and they have gone to huge lengths, with  
4 enormous commitments of time, with extraordinary devotion to  
5 do the right thing: balancing the environment and public  
6 needs with dedication and determination.

7 If, after all of that, after honest and  
8 responsible provision of answers to one of the great public  
9 policy challenges of our day, if these solutions cannot be  
10 enacted, then you and I and they will have all failed our  
11 duties.

12 I am going to forgo asking Dr. Ramey to address  
13 you on the biological issues, but he and our other biologists  
14 stand ready to respond to your questions. Today, you can  
15 vote to help us fulfill our duties, and I respectfully and  
16 urgently ask you to do so.

17 Specifically, we are asking you to concur in our  
18 consistency certification. Earlier in the morning, we handed  
19 out a document -- it has a yellow cover on it -- which  
20 suggests an amendment to do just that. Attached to that is  
21 Exhibit A, which proposes 20 special conditions which we  
22 suggest that you would impose on concurrence. That, in turn,  
23 is followed by the bullet summary of suggested findings which  
24 would support your hoped for conditional concurrence.

25 I thank you for your attention today.



1                   **EXECUTIVE DIRECTOR DOUGLAS:** Mr. Chairman.

2                   **CHAIR KRUEER:** Yes.

3                   **EXECUTIVE DIRECTOR DOUGLAS:** That brings it back  
4 to us.

5                   **CHAIR KRUEER:** Yes, I know. I am going to go to  
6 you, Mr. Douglas. I am just trying to help speed it along.

7                   **EXECUTIVE DIRECTOR DOUGLAS:** We will be as brief  
8 as we can.

9                   **CHAIR KRUEER:** Well, Mr. Douglas, let me take care  
10 of this for a minute. I want to make sure that totally that  
11 is it, and then I will close the public hearing, and then I  
12 will come back to staff for their response.

13                   **EXECUTIVE DIRECTOR DOUGLAS:** Right.

14                   **CHAIR KRUEER:** Are you ready?

15                   **EXECUTIVE DIRECTOR DOUGLAS:** Yes, I was jumping  
16 ahead of myself, I am sorry.

17                   Mr. Chairman, we have heard nothing here today --  
18 we have heard nothing that would change our recommendation.  
19 We continue to see no way this project can be approved  
20 consistent with the *Coastal Act*.

21                   The Coastal Commission acts on a case-by-case  
22 basis, and we think that in this case, applying the law to  
23 these facts before you, this project can't be approved.

24                   The only argument that TCA makes is to use the  
25 conflict resolution provisions of the *Coastal Act*; however,



1 those provisions simply do not apply here. Even if you were  
2 to find a conflict, it would have to be resolved in a manner  
3 most protective of significant coastal resources, and this  
4 project certainly would not meet that test, either.

5           The conflict resolutions provisions cannot be used  
6 under the law to address a problem created by the project,  
7 itself. For example, by voluntarily offering \$100 million for  
8 State Parks, and then arguing if the Coastal Commission  
9 doesn't approve this project, the problem of losing this  
10 money would be created, and then TCA seeks to use this  
11 problem they created to bootstrap in the conflict resolution  
12 policy of the Coastal Act to allow the project. That is not  
13 how the law works.

14           This project would open the flood gates -- or that  
15 approach would open the flood gates for any project proponent  
16 to argue it will provide a public benefit that will be lost  
17 if their project is not approved.

18           Nor can the TCA use general problems that exist in  
19 California, irrespective of this project, like inadequate  
20 funding for State Parks, general public safety concerns, or  
21 highway congestion to argue that the conflict resolution  
22 provisions of the Coastal Act can be used to approve this  
23 project, because doing so, somehow, addresses problems that  
24 have nothing to do with this project, that are not inherent  
25 in this project.



1           As for congestion on Highway 5, there is no  
2 evidence that this project will reduce existing impediments  
3 to public access to the coast. It is not sufficient to argue  
4 that this road will alleviate traffic for commuters during  
5 commute times.

6           So, the conflict resolution provisions of the  
7 Coastal Act, we simply don't see being applicable here.

8           With that, let me turn it over to Mark and Dr.  
9 Engel for some additional comments.

10           **FEDERAL CONSISTENCY MANAGER DELAPLAINE:** Thank  
11 you, just two minor points I wanted to respond to.

12           There was a case that was raised in the testimony  
13 about a project in Malibu, Pacific Palisades, Topanga Bridge,  
14 and we looked into the findings on that, and we don't see  
15 anything comparable in that case that is relevant to this  
16 situation. That project was a replacement of an existing  
17 facility. It was necessary for public safety, and the  
18 impacts are mitigatable in that case.

19           And, the other comment I wanted to make is with  
20 regards to the letter from the Regional Board. We believe  
21 the Regional Board supports our recommendation that we lack  
22 information on water quality.

23           I'll turn it to Dr. Engel.

24           **CHAIR KRUEER:** Okay.

25           **STAFF ENVIRONMENTAL SCIENTIST ENGEL:** First, I



1 have addressed and responded to many of CTA's biological  
2 consultant's points in my September 26, 2007, and my January  
3 30, 2008 memos, which are part of the staff report.

4 I have prepared several pages of response to CTA's  
5 presentation, but out of respect to everyone's time, I will  
6 only say a few words, and Cassidy and I are here, should you  
7 have any questions.

8 Six threatened and endangered species inhabit area  
9 within the coastal zone that is within TCA's estimated  
10 disturbance boundary for the proposed toll roads. The  
11 acreages are as follows: 12 acres for the Pacific pocket  
12 mouse, over 39 acres for the arroyo toad, over 32 acres for  
13 the coastal California gnatcatcher, over 17 acres for the  
14 tidewater goby, nearly 6 acres for the least Bell's vireo,  
15 and nearly 3 acres for the southern steelhead.

16 This is not an estimate of all coastal zone ESHA,  
17 just the acreage of ESHA within the toll road disturbance  
18 zone. These acreages overlap one another such that a total  
19 of 50 acres of ESHA is impacted by the disturbance boundary  
20 of the toll road, and the toll road, itself.

21 The Coastal Act, ESHA policy, clearly states that  
22 only uses dependent on environmentally sensitive habitat  
23 resources shall be allowed within those areas. The toll road  
24 is not a resource dependent use; therefore, extensive  
25 discussion of ESHA mitigation is somewhat moot.



1                   **CHAIR KRUER:** Okay, Director Douglas.

2                   **EXECUTIVE DIRECTOR DOUGLAS:** I am sorry, Chief  
3 Counsel wants to respond to one jurisdictional question.

4                   **CHAIR KRUER:** Ms. Schmeltzer.

5                   **CHIEF COUNSEL SCHMELTZER:** Yes, thank you, Mr.  
6 Chair.

7                   There is an additional jurisdictional argument  
8 that TCA has made for the first time today in this  
9 proceeding, in one of their submittals, and what they are  
10 claiming is that the Commission lacks consistency review  
11 authority because state law sets the boundary on the inland  
12 of the coastal zone.

13                   This is the same argument that they made 15 years  
14 ago, in a different toll road application, and the answer is  
15 the same now, as it was then: the Commission does have  
16 federal authority to exercise jurisdiction over the toll road  
17 because there are impacts inside of the coastal zone. It is  
18 the same decision and authority that the Commission exercised  
19 then, as now.

20                   **CHAIR KRUER:** Thank you, Ms. Schmeltzer.

21                   **EXECUTIVE DIRECTOR DOUGLAS:** And, we are prepared  
22 to answer any questions you may have.

23                   **CHAIR KRUER:** All right.

24                   And, did you have something else? fine, and with  
25 that what we will do before the Commission starts



1 deliberating, we are going to take a 10 minute bio-break, and  
2 then we will get into the deliberations, thank you.

3 [ Recess ]

4 CHAIR KRUEER: Okay, with that, at the moment we  
5 are at the Commission's deliberations. We have a list here  
6 of Commissioners, and Commissioner Burke is first, and then  
7 Commissioner Clark is next.

8 [ MOTION ]

9 COMMISSIONER BURKE: Is the microphone on? yes,  
10 for purposes of discussion, to get this thing rolling, why  
11 don't we throw a motion out here.

12 I move that the Commission concur with the  
13 Foothill Eastern Transportation Corridor Agency's consistency  
14 certification CC-018-07, that the project described therein  
15 would be consistent with the enforceable policies of the  
16 California Coastal Management Program, and I recommend a  
17 "Yes" vote.

18 VICE CHAIR NEELY: Second.

19 CHAIR KRUEER: It has been moved by Commissioner  
20 Burke, seconded by Vice Chair Neely, both the maker and  
21 seconder are asking for a "Yes" vote, passage of this motion  
22 will result in the concurrence with the certification.

23 Would you like to speak to your motion,  
24 Commissioner Burke?

25 COMMISSIONER BURKE: After listening to hours of



1 testimony by both sides, I think there is merit, definitely,  
2 on both sides. We have visited the site, but I am not  
3 convinced that Trestles is in jeopardy. I am not convinced  
4 that the water quality program is lacking. And, the lack of  
5 specificity by the military on the conditions of the lease,  
6 leaves me with uncertain feelings about what is going to  
7 happen to that property when the lease expires.

8 I was told by someone in the military, that they  
9 are planning on building a replica of Falluja on the  
10 property, and it will be within 100 yards of the campgrounds.  
11 Now, you know, I think the campgrounds should be peaceful,  
12 too, but if you have machine gun fire going there, it is not  
13 going to be very peaceful.

14 So, I am willing to listen to the further  
15 arguments and discussions from my fellow colleagues before I  
16 make my final judgment, but that is why I was willing to make  
17 this motion.

18 **CHAIR KRUEER:** Vice Chair Neely, would you like to  
19 speak at this time?

20 **VICE CHAIR NEELY:** Not at this time, thank you.

21 **CHAIR KRUEER:** Okay.

22 Commissioner Clark.

23 **COMMISSIONER CLARK:** Thank you, Mr. Chair, I would  
24 like to start by first offering an amending motion to the  
25 motion that is on the floor. It is the same motion that is,



1 but I --

2 CHAIR KRUEER: I don't think --

3 COMMISSIONER CLARK: Let me finish -- with a  
4 recommendation of a "No" vote. And, if I get a "second" I'll  
5 speak to that motion.

6 CHAIR KRUEER: I don't think you can do it by an  
7 amending motion. I have to ask for clarification, as I am  
8 just trying to help you, Commissioner Clark. I might be  
9 wrong, but I think you just have to vote "No" on it.

10 Would you state your motion again for the counsel.

11 COMMISSIONER CLARK: Yes, I move that the  
12 Commission concur with the Foothill Eastern Transportation  
13 Corridor Agency, TCA's consistency certification, CC-018-07  
14 that the project described herein is consistent with the  
15 enforceable policies of the California Coastal Management  
16 Program, and recommend a "No" vote.

17 CHAIR KRUEER: See, that doesn't sound like an  
18 amending motion. It is another new motion.

19 COMMISSIONER CLARK: Well, I ask for clarification  
20 --

21 CHAIR KRUEER: No, no, we'll get it, just be  
22 patient with me here.

23 EXECUTIVE DIRECTOR DOUGLAS: Mr. Chairman.

24 CHAIR KRUEER: Yes.

25 EXECUTIVE DIRECTOR DOUGLAS: The motion, because



1 of the nature of the way the Coastal Act is set up, that the  
2 motion needs to be in the affirmative, and so the motion that  
3 is on the table right now is in the affirmative, and so those  
4 Commissioners who don't agree with the motion would recommend  
5 a "No" vote --

6 **CHAIR KRUEER:**, That is correct.

7 **EXECUTIVE DIRECTOR DOUGLAS:** -- and those who  
8 agree with it would vote "Yes" on it.

9 There is no need for an additional motion, because  
10 it needs to be in the affirmative.

11 **COMMISSIONER CLARK:** Okay, Mr. Chair, based on  
12 that clarification, I will withdraw the motion.

13 But, I would like now to make some comments.

14 **CHAIR KRUEER:** Absolutely, Commissioner Clark.

15 **COMMISSIONER CLARK:** Thank you.

16 It was mentioned earlier today that -- by one of  
17 the speakers, a former Coastal Commissioner, from Orange  
18 County -- that she is the closest thing to an Orange County  
19 Coastal Commissioner. Well, first of all let me put on the  
20 record that I was born in Orange County. I started school in  
21 Orange County. I went to college in Orange County, and I  
22 graduated from college in Orange County. I am in the elected  
23 position representing L.A. and Orange County, and I believe I  
24 can represent Orange County.

25 Saturday, I was offered the opportunity -- which I



1 very much appreciate -- from the TCA to visit this site. I  
2 know that not all of my colleagues had the opportunity  
3 because of physical distance, and time. I had the  
4 opportunity being the local Commissioner from Orange and L.A.  
5 Counties.

6 It was a very eye-opening visitation on Saturday.  
7 Let me just start by sharing a small story with you. As I  
8 drove down from Palos Verdes to this site visit, I  
9 experienced tremendous traffic congestion on the 405 going  
10 south, not unusual on a weekend. It was bumper-to-bumper.  
11 It was bumper-to-bumper continuously, and I was going to be  
12 late. So, when I came to the 73 toll road, I decided, well,  
13 it is probably going to be bumper-to-bumper there, or close,  
14 but maybe a little less traffic on the toll road, the 73 toll  
15 road.

16 I got on the toll road, and to my surprise, even  
17 though there was bumper-to-bumper congestion and traffic on a  
18 Saturday, last Saturday on the 405, there were no cars on the  
19 73 toll road. And, I thought to myself, isn't this odd?  
20 isn't this strange? And, as I drove down the toll road,  
21 there were, probably, 3 or 4 cars on the toll road. A few  
22 cars got on the toll road from the communities of Newport  
23 Beach, and those aligning the 73 toll road.

24 And, I thought to myself, well, I am sure that  
25 when I get to the end, the southern end of the toll road, I



1 will find that traffic has cleared up on the 405. It was  
2 jammed again.

3 So, it raised in my mind a fundamental question,  
4 if they build it, will they come? if they build it, will the  
5 come?

6 And, then, I started thinking about this, and I  
7 said, well, maybe this is just an aberration, maybe that  
8 wasn't right. So, I am holding up another toll road ticket  
9 fare here from this morning. I got up at 5:00 a.m. in Palos  
10 Verdes to drive down here, after city council meeting last  
11 night, and again, I experienced extreme congestion on the  
12 405, and I thought, well, I am going to take the toll road  
13 again, and I am sure there will be more traffic on the 73  
14 toll road, because it is a week day. And, you know what I  
15 found? I didn't find traffic on the toll road, okay, and this  
16 time I paid more attention to what was on the sides of the  
17 toll road, and what did I see? I saw multimillion dense  
18 housing developments, okay, and I saw many of them completed,  
19 and some under construction.

20 When I came out on Saturday and took a look at the  
21 route for the 241 extension toll road, and I asked during the  
22 briefing, what are those areas that are in grade in, 7 or 8  
23 areas, well, those are already approve developments along a  
24 toll road that has not been approved, and I was told that it  
25 doesn't matter if we approve this toll road, or not, those



1 developments are going to be built.

2 Well, you know what? I have been in government a  
3 long time, and I guarantee that from what I see they are not  
4 going to build those developments, if there is not an easy  
5 access to those developments.

6 So, what is in play here, as I see it from a  
7 transportation standpoint is an opportunity to increase the  
8 density of south Orange County, and not in a vision of the  
9 future, but a vision of the past. It is looking in the  
10 taillights instead of the headlights.

11 So, I have many issues with this project. I think  
12 it is fatally flawed. I start with the basic premise, how is  
13 it that we can, as a California Coastal Commission, put a  
14 private road through a State Park?

15 [ Audience Reaction ]

16 CHAIR KRUEER: Again, we are going to ask everybody  
17 to contain yourself.

18 COMMISSIONER CLARK: Who do you think is going to  
19 use this private road? is it going to be the safety workers?  
20 is it going to be our firemen? is it going to be our  
21 policemen? is it going to be our nurses? is it going to be  
22 our gardeners? is it going to be the people that service our  
23 homes? or is it going to be the privileged and wealthy?

24 Are we, before us here, looking at a plan that  
25 will fundamentally bring a privileged section of this



1 southern California population another alternative?

2           It is fundamentally flawed on a transportation  
3 basis. It is fundamentally flawed in the sense that there  
4 are reasonable alternatives that have not been fully explored  
5 from a transportation standpoint -- and we heard about that  
6 today. It touches on and impacts endangered species, and  
7 habitats. It has over 50 acres of ESHA impacts. It has  
8 wetlands impacts.

9           It takes and suggests -- and I visited the San  
10 Mateo Campground, and what did I find? and we are in the  
11 middle of the winter, and we have had a rainy season, I found  
12 an awful lot, if not most of the campground sites occupied.  
13 People are using that campground.

14           And, then I looked, and I said, okay, where is  
15 this proposed road going to go? and do you know what I found  
16 out? twenty feet from that campground, and it is going to  
17 have to have a 16-foot sound barrier just to try to keep the  
18 acoustical impacts from affecting those that want to use this  
19 campground. This is all in a State Park that is 36 years  
20 old, that was created for all Californians.

21           I could go on, and on, about the issues I see with  
22 this. I don't disparage the applicant. I, frankly, met for  
23 the first time, Tom Margro, during my visit, the new CEO for  
24 TCA. Tom Margro, by the way, and he told you, is the former  
25 CEO for BART in the San Francisco Bay area. Well, you know



1 what, his expertise ought to be used to develop a rapid  
2 transit system, in association with Highway 5, and let's get  
3 people out of cars, and stop the increased densities in  
4 Orange County.

5 I am going to vote "No" on this project, and my  
6 final comment is this is a defining moment, I believe for  
7 this California Coastal Commission, that is in being, and I  
8 think we need to seize this defining moment, and very clearly  
9 articulate that this project is dead.

10 [ Audience Reaction ]

11 CHAIR KRUEER: Again, again, please, please.

12 Commissioner Clark, thank you for your comments.

13 And, with that, I will go to Commissioner Wan.

14 COMMISSIONER WAN: When looking at this project, I  
15 am amazed. This looks like something from --

16 You can't hear me?

17 CHAIR KRUEER: Your microphone.

18 COMMISSIONER WAN: Can you hear me now? okay.

19 This looks like something from the 1950s and not  
20 from the 21st Century, when we know how endangered our planet  
21 is. Putting a massive freeway into a relatively undisturbed  
22 watershed, and ignoring environmental impacts is almost  
23 inconceivable.

24 I can't go into all of TCA's contentions and  
25 deceptions, and will focus on the science, particularly ESHA,



1 and hope that others will deal with other issues.

2 The volumes submitted by TCA and the responses  
3 from staff are really quite something. They never fully lay  
4 out the impacts or analysis of anything. I guess if you  
5 throw enough spaghetti against the wall, you hope that some  
6 of it will stick, or at least you will divert folks from  
7 understanding the real issues.

8 Regarding water quality benefits, frankly, there  
9 really aren't any. The benefits of reducing runoff impacts  
10 from I-5 clearly do not require this project, and I can't  
11 understand how anyone can really believe that putting in a  
12 6-lane toll road into an undeveloped watershed with massive  
13 grading and cuts and fill slopes does not result in water  
14 quality impacts that go unmitigated.

15 No amount of BMPs will ever totally clean up the  
16 runoff from the highway, even if the ones used are 100  
17 percent effective, which they won't be, because they don't  
18 clean up many of the pollutants.

19 On the issue of ESHA, the impacts to ESHA, we just  
20 can't destroy ESHA and then mitigate for it, and even if you  
21 could, the mitigations proposed are totally inadequate. The  
22 habitat fragmentation is not considered mitigation proposed  
23 for the Pacific pocket mouse, tidewater goby, southern  
24 California trout, steelhead trout, arroyo toad, California  
25 gnatcatcher, least Bell's vireo, ferry shrimp, and other



1 species are totally inadequate. And, it contains major  
2 loopholes, and the activities are directly contrary to the  
3 protection of these species, and fail to meet the minimum  
4 standards necessary for Commission approval, or even to fully  
5 disclose the specific impacts or mitigations. That is, the  
6 analysis of the impacts is incomplete, and the mitigations  
7 lack specificity and therefore they don't meet the test of  
8 *Sundstrom*.

9           On the delineation of ESHA, the argument about  
10 whether an area has been designated critical habitat is just  
11 another attempt to divert attention from the real issue, and  
12 I am not going to get drawn down that rabbit hole. Our  
13 standard of review is the *Coastal Act*, not the *Endangered*  
14 *Species Act*. Obviously, if the species is listed under the  
15 ESA it is rare, but to be considered ESHA the habitat does  
16 not have to be listed as critical habitat under the ESA.

17           Areas listed or suggested for listing as critical  
18 habitat, even if those areas have been removed, are still --  
19 from the listing -- are still ESHA. We don't base our ESHA  
20 determination on legal sediments, management plans, national  
21 security waivers for the military. We base it on the  
22 biology.

23           On wetlands, although the latest TCA wetland  
24 delineation has been accepted by staff, I should point out  
25 that these latest studies were done in July, August and



1 November of 2007, during the record drought, and subsequent  
2 to significant rainfall, as required under of guidelines;  
3 however, regardless of the extent of the wetlands, this  
4 project will fill wetlands, and this is not, as we have  
5 heard, an incidental public service for the least damaging  
6 alternative.

7 I am sorry to have to take a significant amount of  
8 time to deal with the science of all of this, but the  
9 accusations that have been made, both in writing and publicly  
10 on National Public Radio, accusing the staff of junk science  
11 has to be dealt with, particularly when this is completely  
12 opposite from what is true.

13 Frankly, I am really tired -- and I have been at  
14 this for a long time -- of the hired so-called experts from  
15 applicants. Obviously, they have bias, they have to keep  
16 their employer happy, but the extent to which they do this  
17 varies. In the many years that I have been involved in this,  
18 there have only really been several egregious examples of  
19 this, and unfortunately, this is one of them.

20 When I was reading the response to staff by TCA,  
21 there was a statement in that which immediately concerned me.  
22 The statement in the executive summary says:

23 "There was a 10-year study of the Pacific  
24 pocket mouse, and not one single Pacific  
25 pocket mouse was found in any portion of



1 the project's footprint."

2 ...which, essentially, comes from a similar statement in a  
3 letter to the Commission that the Pacific pocket mouse has  
4 not actually been detected coastal zone portion of the  
5 proposed project area, despite over 65,000 trapped mice.  
6 This was such a dramatic and specific statement I tried to  
7 determine the validity of it. It was difficult, because  
8 there was no reference to a published studies.

9 After reviewing what literature I could find, and  
10 reading the Pacific pocket mouse management plan, it appears  
11 there were trappings that were done during the course of 5  
12 years of trapping events, '95, '96, '99, '01, and '03, not  
13 10, and there certainly weren't 65,000 trappings done in the  
14 coastal zone. In fact, most of them were in San Mateo north,  
15 and they did find Pacific pocket mice in the area of the  
16 project disturbance, while none were found in the coastal  
17 zone, there were so few trappings done in the coastal zone,  
18 as to effectively have had no chance of finding anything.

19 That is because the original large set of  
20 trappings done in '95 and '96 60,000 of them in San Mateo  
21 north, were not done for the purpose of determining where  
22 Pacific pocket mouse were located, and were part of a study  
23 on genetics.

24 In the management plan, they refer to the fact  
25 that trappings were done in subsequent years, and they were



1 done primarily, again, in that same area, and again, not  
2 designed to determine the extent of the Pacific pocket mouse  
3 populations. Of course, if you don't look in the coastal  
4 zone, you don't find any pocket mice in the coastal zone.  
5 Frankly, it is surprising that any pocket mice were found at  
6 all, given the rarity of the species, but they were.

7           Regardless, the statement in the TCA response is  
8 untrue on its face, and clearly designed to mislead. There  
9 has not been a 10-year study, but where and when trappings  
10 were done in sufficient numbers, they did find Pacific pocket  
11 mice.

12           In addition, the same expert makes the statement  
13 that TCA found no arroyo toads within the coastal zone, from  
14 several years of study. Again, there were 6 surveys over 1  
15 year that actually found the toads in the coastal zone, and  
16 there have been numerous previous studies, amassed over  
17 decades, that all show they do occur in the coastal zone.

18           This attempt to simply wipe away an issue with  
19 false and misleading statements reminded me of another  
20 example that happened a number of years ago, and I just have  
21 to mention it. As many of you know around here, I have a  
22 long memory. I am not certain about the date, but around  
23 1993, I was dealing with a proposed development on Elwood  
24 Mesa in Santa Barbara. I was not on the Commission at the  
25 time, but we contended that a stand of native grassland was



1 ESHA. The Commission did not have its own biologist at the  
2 time, and tended to rely on applicant's biologists.

3 Their biologist got up in the hearing and said  
4 that the grasslands not only were not ESHA, absolutely  
5 nothing there, it was a wasteland. Well, that wasteland was  
6 later agreed by all, developer, Commission, and county, to be  
7 ESHA and it is now set aside in a preserve.

8 Let's see, a wasteland where there was ESHA, 10  
9 years of study proving there were no Pacific pocket mouse,  
10 where there was only 5 years, and actually are Pacific pocket  
11 mouse, and studies showing no arroyo toad that actually found  
12 the toad, sound similar? it is, because the statements were  
13 made by the same person, and that is what I mean about a long  
14 memory.

15 This kind of behavior can only happen when the  
16 applicants want it to. If this is what was asked of one of  
17 their socalled experts, why should I believe it is different  
18 for any of the others of their experts?

19 Certainly, their comments cannot be taken to the  
20 unbiased. I have no personal familiarity with the others,  
21 but after reading their analysis, and the Commission's, their  
22 false science is equally appalling.

23 I am not an expert on traffic, so I can't critique  
24 that, but I am a scientist. They wave away impacts to  
25 endangered species, noise, lighting, sediment transport, and



1 even the ancestral connections and religious rights -- and I  
2 am sorry about, if I don't pronounce this right -- of the  
3 Acjachemen people.

4 I looked further into, for instance -- and for  
5 this I need to go into specifically -- the Pacific pocket  
6 mouse management plan. It is not a management plan at all,  
7 except, possibly, for the purpose of driving the Pacific  
8 pocket mouse into extinction. The Pacific pocket mouse, San  
9 Mateo north population is extremely small, isolated, and  
10 threatened with extirpation. TCA's consultants have rolled  
11 out a new habitat model without any scientific justification.  
12 The soils suitability mapping they used is not appropriate.  
13 You have to map all of the soil characteristics, and they  
14 relied on a single one, and they didn't sample sufficiently  
15 to characterize the range for variability -- even the USDA  
16 says this cannot be used to rule out Pacific pocket mouse  
17 habitat areas, but they did it anyway.

18 Their consultants make statement based on pure  
19 speculation, and there are problems with the trapping data.  
20 We don't know the dates when traps were set, the duration of  
21 the traps in the field, the numbers of traps set, and the  
22 environmental conditions.

23 In addition, large areas, including some mapped as  
24 having habitat potential with new habitat models, were never  
25 trapped. It is agreed that fragmentation of habitat, and



1 isolating two of the remaining populations of the mouse will  
2 likely lead to extinction of the species.

3 As a result the management plan calls for creating  
4 wildlife corridors, through culverts, to help prevent this,  
5 and have provided absolutely no evidence that this can work.  
6 They cite no studies that are equivalent, and none that can  
7 be extrapolated. And, the use of the culverts is totally  
8 untested, and therefore cannot be used as mitigation.

9 Perhaps they don't cite the studies because where  
10 there have been studies, they have usually shown that  
11 undercrossings don't work, unless you are talking about  
12 larger mammals, such as deer, cougar, and coyote. But, the  
13 smaller mammals, reptiles or amphibians, that is not the  
14 case.

15 In this case, the Pacific pocket mouse is rare,  
16 and secretive, and its extremely endangered status is  
17 teetering on the brink of extinction. To suggest that  
18 providing it with a concrete 525-foot corridor, under a noisy  
19 freeway will allow it to pass and mingle with the rest of the  
20 population is absurd. This is a very long way for a very  
21 small mouse in open habitat to travel through a pipe,  
22 particularly, when the underpasses are planned for locations  
23 as far away as possible from where the mice have been  
24 located. Over 2600 feet, and directed to areas that are not  
25 suitable habitat, and this is why I say this is a plan for



1 extinction.

2           It makes no scientific sense to believe that it  
3 would travel this great distance, and venture onto the  
4 concrete. The management plan talks about building an  
5 18-high berm to prevent road kill, and direct the mice to the  
6 undercrossing. At 18 inches, I guess even a tiny pocket  
7 mouse could probably get over that, and the management plan  
8 recognizes this, because, again, it is totally untested, and  
9 they say if it doesn't work, and there is road kill, they  
10 will make changes to the undercrossings, and the berms.

11           First of all, if a Pacific pocket mouse is killed  
12 on the road, you are never going to know it. This is a very  
13 small mouse, please, if it is squashed under a car or a  
14 truck, you won't see anything, and if you did, what kind of  
15 adjustments can you make? move the locations of the under-  
16 crossings?

17           The management plan is based solely on  
18 speculations. There are no test mitigations, and therefore  
19 it is not valid. Frankly, the more I read, the more  
20 infuriated I become. The scientific reports are so  
21 unscientific I could hardly believe what I was reading.

22           I am just going to very quickly go into a couple  
23 of the other issues, because it is so late.

24           On the gnatcatcher, multiple facts asserted are  
25 false, and well established researched findings published in



1 the scientific literature are misrepresented.

2 Okay, hold on, I am trying to eliminate stuff.

3 The analysis on the watershed impacts created by  
4 the project, again, we see faulty science and analysis,  
5 specifically designed to smooth out specific effects of  
6 erosion and sediments on the stream. Their analysis runs  
7 directly contrary to other published studies. They would  
8 have you believe that the addition of 136 acres of impervious  
9 surface, and grading of 41 million cubic yards, plus 18  
10 million cubic yards of remedial grading, and the creation of  
11 large cut and fill slopes, along with the failure to treat  
12 runoff from anything other than directly from the road  
13 itself, will have no impact -- do you believe that, I will be  
14 happy to make you an offer to sell you the Brooklyn Bridge.

15 The statements on the arroyo toad are similarly  
16 biased, and made with no scientific evidence to back them up.  
17 This is not a question of dueling scientists between the  
18 Commission's scientists, and other conservation biologists of  
19 the applicant's, this is between legitimate science and  
20 pseudo science, and I can tell the difference. It is the  
21 difference between our biologists who tend to be very  
22 conservative, and have been instructed to provide an honest  
23 opinion, and who have done extensive research, and the  
24 so-called science of the tobacco industry, and their analysis  
25 of the effects of tobacco on cancer, or the oil industry



1 science studies on global warming, just because you call it  
2 science, doesn't make it so.

3 This project drives a stake through the heart of  
4 the *Coastal Act*. It violates almost every Chapter 3  
5 policies. It places a major road right through a State Park,  
6 dividing it and destroying its function, and one of the last  
7 relatively undisturbed watersheds in Orange County. It  
8 destroys sacred sites, and the ability of the Acjachemen  
9 people to practice their religion.

10 It destroys coastal access by effectively  
11 destroying a major coastal campground, and the impacts of  
12 SONGS by eliminating some of the mitigation for that project,  
13 and it creates major visual impacts, and destroys a world  
14 class surfing location. And, it fills wetlands, and drives  
15 at least one species into extinction, and pushes several  
16 others towards the brink of extinction.

17 This is one of those defining issues that should  
18 cause those of us on this Commission to look in the mirror,  
19 and ask ourselves, why we are on this Commission? is it for  
20 our own personal agenda, whether political or personal  
21 friendships? or other reasons? or is it to uphold the *Coastal*  
22 *Act* which we swore to do?

23 How can you justify, ethically or morally,  
24 knowingly driving another species into extinction, and for  
25 what? I do not accept that there are no alternatives, but,



1 even if that is true, all this road will do is to shave some  
2 time off of someone's drive, which won't last anyway.  
3 Traffic is like water, it seeks its own level, and with  
4 increasing populations, with development that this road will  
5 generate, which frankly, is the real reason for this project,  
6 this socalled game is only transitory, but extinction is  
7 forever.

8 [ Audience Reaction ]

9 CHAIR KRUER: Again, again, please.

10 Commissioner Kempton.

11 COMMISSIONER KEMPTON: Thank you, Mr. Chairman,  
12 and I, as the ex-officio member of the Business, Transport-  
13 ation and Housing Agency, I will speak to this issue from a  
14 transportation perspective.

15 Commissioner Clark, I will tell you that my  
16 experience with toll roads is a little bit different than you  
17 described. If you look at the toll facilities we have in  
18 operation around this state, they are heavily used. And, in  
19 fact, we find, on the I-15 managed lanes in San Diego County,  
20 just south of here, that it is 90 percent of the people using  
21 the roadway about 10 percent of the time, as opposed to 10  
22 percent of the people using the road 90 percent of the time.

23 It is the mothers or fathers trying to get home  
24 quickly to a kid's soccer game; it is the plumber who is  
25 going to miss his or her next appointment; and it is the



1 businessman that is late for work that tends to use those  
2 facilities.

3 I will make one observation, and I want to step  
4 back and try to be objective about this. It seems to me that  
5 there was a lot of very similar information that was  
6 presented by both sides, and it is very striking to me how  
7 different conclusions could be drawn from the same  
8 information, and I can only conclude -- somewhat tongue in  
9 check -- that data, efficiently tortured, will tell you  
10 anything.

11 I do want to talk a little bit about the purpose  
12 and need of this facility, from our perspective. The  
13 department does anticipate a growing freeway capacity  
14 deficiency in this region, as well as the congestion on the  
15 Interstate 5 corridor in southern Orange County, as the  
16 result of the congested traffic demands is real.

17 By 2020, there will be 577,000 more residents in  
18 Orange County. Additionally, the county estimates 98,000 new  
19 jobs, and 47,000 new homes that will be added into the  
20 project area by 2025. Traffic congestion in southern Orange  
21 County is projected to increase by 60 percent by 2025.

22 One of the people that spoke today talked about a  
23 2-hour trip coming from some place in the L.A. area down to  
24 Del Mar today. Well, if that is the case, in 2025, that trip  
25 is not going to take 2 hours, it is going to take, by my



1 calculations, 3:12 minutes. That is the kind of impact we  
2 are talking about by the projected increase in congestion.

3 This growth in congestion is not dependent on the  
4 Foothill Corridor South project, and these are not wild or  
5 unfounded projections. These are projections made by the  
6 best modeling available in the nation today. They are  
7 figures that are supported by the Southern California  
8 Association of Governments. They are figures that are  
9 supported by the Orange County Transportation Authority, and  
10 they are figures and projections supported by the California  
11 Department of Transportation.

12 The growth is coming, regardless. This project  
13 will play a key role in achieving future mobility for  
14 southern Orange county.

15 Now, the three issues that I want to briefly touch  
16 on, first, the environmental impacts, I want to speak a  
17 little bit to the policies, conflict issues, and then I want  
18 to talk about the design modifications proposed for widening  
19 I-5.

20 We have been part of the collaborative group that  
21 has been developing this project, and we have worked with the  
22 Transportation Corridor Agencies to develop environmental  
23 mitigations for the project, and frankly, \$100 million,  
24 whatever you think about that, could not come at a better  
25 time for the parks' program.



1           The impacts on the environmentally sensitive  
2   habitat areas have been well described, and there have been  
3   comments back and forth with respect to the science, et  
4   cetera. I asked the question, how do we correlate those  
5   findings when the U.S. Fish and Wildlife Service, for  
6   example, has issued a preliminary no jeopardy opinion,  
7   concluding that the project will not jeopardize any species'  
8   survival, and will not adversely affect any critical habitat.

9           The TCA worked to involve the appropriate  
10   regulatory agencies, and selection of an acceptable  
11   alternative for this corridor. And, that collaborative,  
12   consisting of many of the regulatory agencies that have been  
13   referred to today, agreed on that project.

14          Now, to the policies conflict issue, I think it is  
15   clear from the testimony today, and the input we received  
16   from the public, and from both sides on this issue, that  
17   there is at least an argument that there is some benefit to  
18   the *Coastal Act* resources categories: water quality, public  
19   safety, coastal access.

20          I said I was going to talk about transportation,  
21   so let's talk about coastal access. It seems to me that the  
22   balancing provisions of Section 3007.5 can be applied here.  
23   If you look at the access policy, and go back to some  
24   previous actions from the Coastal Commission, the State Route  
25   73 toll road, which is somewhat of a related project, finding



1 approval of the project on balance to be most protective of  
2 coastal resources, the Commission concluded that the failure  
3 to approve the San Joaquin Hills Transportation Corridor  
4 would result to impacts contrary to the *Coastal Act*, either  
5 as a result of failing to provide for adequate transportation  
6 system access to coastal and upland support recreational  
7 areas, or as a consequence of failing to widen PCH in a  
8 manner resulting in significant impacts both to coastal  
9 communities, and to public recreational areas.

10 On another project, which was the north county  
11 transit district double tracking project, the Commission  
12 finds -- this is out of the proceedings -- the traffic  
13 congestion interferes with access to the coastal recreational  
14 opportunities within northern San Diego County. As traffic  
15 conditions increases with expected growth of the region,  
16 these access impacts will worsen, and when congestion  
17 increases non-essential trips, such as those for recreational  
18 purposes, tend to be among the first to be curtailed. Thus,  
19 as the traffic increases the ability of the public to get to  
20 the coast, will become more difficult, which would result in  
21 a condition that would be inconsistent with the access  
22 policies of the *Coastal Act*. So, again, I think there are  
23 grounds here for those balancing provisions to apply.

24 I fear no one will be able to enjoy the resources  
25 as we talk about making those resources available to the



1 broader public, because they simply won't be able to get  
2 there.

3 Finally, let me talk a little bit about the design  
4 modifications that were proposed for I-5. These may not  
5 relate directly to the findings question before the  
6 Commission, but it has been suggested by a number of folks  
7 that there can be some design modifications made to the  
8 widening of the major interstate route through this area.

9 This is all based on an erroneous assumption, in  
10 my view, that the existing right-of-way can accommodate the  
11 kinds of facility improvements that need to be made in this  
12 corridor.

13 The TCA based their analysis on our standards for  
14 widening a major interstate route. Smart Mobility, and  
15 Bergman Associates appear to be offering opinion on what  
16 could be done in the corridor if, if there are no safety  
17 problems, if traffic demand isn't what is projected to be. I  
18 can tell you that we cannot compromise safety in the  
19 construction of our transportation infrastructure.

20 Those recommendations were not in compliance with  
21 our design standards. They make incorrect assessments of the  
22 right-of-way impacts. The storage capacity for ramps with  
23 metering was not considered. They did not feel too badly  
24 about reduced levels of service, which are extremely  
25 important to be operational for the traffic. Utility and



1        easement issues were not addressed. Residents and business  
2        acquisition costs were understated, and safety issues were  
3        not considered.

4                Not once did I hear the consultants mention  
5        safety. They talked about context sensitive solutions, and  
6        those are very positive things that can be applied in many  
7        circumstances. They talked about possible design concepts.  
8        But, safety is our number one priority at CalTrans.

9                And, let me just read one quote from some of the  
10       material that came from Smart Mobility, Incorporated: the  
11       reality is -- and I am quoting:

12               "While our design standards are lofty goals,  
13               and are generally obtainable when constructing  
14               a new roads in an undeveloped area, they are  
15               often simply not achievable in the real world."

16       Well, I couldn't disagree more with that statement.

17               There are two examples that I want to cite for the  
18       Commission's edification. You are probably all familiar --  
19       those of you who live down here -- with Oso Parkway and Crown  
20       Valley. Both of those interchanges are low volume inter-  
21       change configurations, not just single point interchanges as  
22       proposed in the Smart Mobility concept proposal, but they are  
23       low volume interchanges, diamond interchanges, as we call  
24       them in the business.

25               We are already, with today's traffic volumes,



1 experiencing substantial backup on those ramps. Backup on  
2 those ramps that come onto the main line, and creates a very,  
3 very unsafe situation. There have been some serious  
4 accidents, in fact, one recent accident involved the death of  
5 3 children. This year, we will spend more than \$60 million  
6 at CalTrans on tort liability. Much of the time, the test in  
7 these court cases is failure to meet design standards.

8 The TCA analysis of the I-5 widening alternative,  
9 is consistent with state and federal standards, and more  
10 accurately reflect the scope and cost of that alternative.  
11 That alternative cost is \$2.5 billion, which we do not have,  
12 ladies and gentlemen, and it impacts 838 existing residences,  
13 and 380 businesses. Maybe you save a few bucks, maybe you  
14 can shave off a few of the impacts, but those are still  
15 substantial impacts by anyone's measure.

16 I would conclude by reiterating that we need  
17 additional capacity in this corridor. I think we need that  
18 capacity to keep our economy strong, to clean our air, and to  
19 reduce greenhouse gas emissions, and to maintain our quality  
20 of life.

21 Mr. Chairman, members of the Commission, I would  
22 recommend that we concur in this consistency certification.

23 **CHAIR KRUEER:** Thank you, sir.

24 Commissioner Kram.

25 **COMMISSIONER KRAM:** Thank you, Chair Krueer.



1           There are obviously, no easy answers to this  
2 difficult situation, and the impact on our future transport-  
3 ation demands is going to be enormous. There are already  
4 large amounts of open space that have been preserved which  
5 limits the options for new roadways. Add to that, our  
6 sensitivity to the impacts on our natural resources, along  
7 with impacts to our residences and to our businesses, and  
8 this is quite a quandary we are faced with.

9           I applaud all of those who have turned out today,  
10 and I appreciate all of those who have spoken and written to  
11 express their views.

12           Recently, I walked the site, which I hope all of  
13 you have done, it is beautiful, and the impact of what we do  
14 today is important. To me, the issues of importance that  
15 need to be considered are, one, the widening. From the  
16 testimony, I don't think we can simply add freeway lanes to  
17 increase capacity. Freeway interchanges need to be expanded  
18 to allow for increased traffic, to access the local arterial  
19 roads, and must meet current CalTrans design requirements.  
20 There would be a tremendous loss of local businesses,  
21 visitor-serving uses, and residences. Widening I-5 also does  
22 not address the lack of redundancy in the highway system in  
23 southern Orange County.

24           Another parallel route is needed on the basis of  
25 safety. That is what 241 provides. Lastly, the state is



1 running deficit. There is no state money for widening, that  
2 is the reality. This solution is really the only practical  
3 one, and I do not see widening as a viable alternative.

4 Look at the effects on Trestles Beach. The  
5 excellent wave formations on Trestles Beach is due, according  
6 to the experts, to the cobble reef along the shore that has  
7 its origin high up in the watershed of San Mateo Creek.  
8 These waves have persisted, despite numerous disturbances to  
9 the watershed over the past years, including the railroad,  
10 Highway 101, I-5, Cristianitos Road, the I-5 Cristianitos  
11 Road Interchange, El Camino Real, 50 years of agricultural  
12 cultivation on 600 acres immediately adjacent to I-5, and  
13 hundreds of acres of residential development.

14 San Mateo Creek is closed to the ocean by a sand  
15 plug 99 percent of the time. I do not feel that a measurable  
16 impact to surf or coastal processes can be reasonably  
17 predicted. The cobbles that supply the surf spot at Trestles  
18 for the next several centuries are already in the streambed,  
19 and their pathway to the beach will not be impeded.

20 When staff, and others, call the San Mateo water-  
21 shed undisturbed, they ignore all of the existing development  
22 in the watershed. For instance, consider the 50-year over  
23 600-acre agricultural field I mentioned, the railroad with  
24 many trains running through it each day, and all of the rail  
25 maintenance that has to take place continuously, Highway 101,



1 I-5, which is back from the beach up a half-a-mile, which 241  
2 would be also, Cristianitos Road, I mentioned, the inter-  
3 change, between the two, all of the Camp Pendleton  
4 improvements, the high voltage lines from the SONGS, and all  
5 of their maintenance roads, the San Clemente residential  
6 development, and the off-base development within the water-  
7 shed, and sub-watershed. These have had no observed or  
8 measured impact on the shoreline for the Trestles Beach surf  
9 break. It is important to remember that the public roads were  
10 contemplated by the lease that was entered into.

11 This is not the first road in a watershed with a  
12 surf spot on the shoreline. An example, SR 150 terminates  
13 very near Rincon, a world class surfing site. The highway  
14 goes through the watershed, which is very similar to San  
15 Mateo Creek. This road was built decades ago, not using  
16 current construction and water control methods, yet this road  
17 has had no impact on the surf break.

18 We also need to look at the existing campgrounds.  
19 There is no testimony it would be closed or impacted  
20 substantially. The distance between the campground and the  
21 proposed 241 is at least 760 feet away, and while there may  
22 be some noise impacts, after visiting the site, reviewing the  
23 testimony, I do not feel it would be significant.

24 We need to look at the issue of balancing.  
25 Coastal Act requirement Section 30200 and Section 30007.5, if



1 there is a conflict between coastal policies, it must be  
2 resolved in a manner that is, on balance, most protective of  
3 significant coastal resources. Coastal resources include  
4 natural and manmade resources, public recreational resources  
5 are among the most significant coastal resources, and there  
6 is no inherent prejudice in the Coastal Act against access to  
7 coastal recreational resources.

8 The conflict is between the wetlands provisions  
9 and ESHA protection policies, versus any one, or all of the  
10 following: public access, lower quality visitor-serving  
11 recreational uses, water quality, public safety, this is the  
12 balancing we need to do.

13 We also need to look at Commission precedence,  
14 where balanced transportation projects in the past, but the  
15 time is short, the hour is late, and without going deeply  
16 into the specifics let's look at a couple of past actions.  
17 SR 73, the TCA toll road in 1993, CDP consistency  
18 certification for construction of a small segment of toll  
19 road in the coastal zone. SR 56 in 2000, coastal zone  
20 portion of segment SR 56 to complete an east-west freeway  
21 connection between I-5 and I-15. The north county transit  
22 district 2005 a consistency certification for the  
23 construction of a second set of railroad tracks on Camp  
24 Pendleton, which was balanced in favor of public access,  
25 water quality, energy conservation and reduction in the



1 vehicle miles traveled. North county transit district 2007,  
2 also a consistency certification, for extension of a railroad  
3 track and new bridge over a creek, same finding of balancing  
4 as in the proceeding north transit district project.

5 I have listened and thought about the arguments  
6 regarding balancing, and I think it is correct to use a  
7 balancing here on the basis of water quality, low cost  
8 visitor-serving recreation uses, public safety, and public  
9 access. It is also in accord with our past practices.

10 There will be a net reduction of green house  
11 gasses, and the mitigation proposed for the archaeological  
12 impacts is appropriate, and mandatory, in a situation like  
13 the one before us.

14 The \$100 million offered by the TCA will allow  
15 enormous help in the projection of existing coastal  
16 resources, and the creation of new ones.

17 This is a case of bad choices, choices that have  
18 to be made due to the growth in populations and the desperate  
19 need for infrastructure, before -- as referred to by the  
20 cities, the counties, and the Governor -- we grind to a halt.

21 For these reasons, I recommend a "Yes" vote?

22 **CHAIR KRUEER:** Commissioner Kram, thank you.

23 Commissioner Chrisman.

24 **COMMISSIONER CHRISMAN:** Thank you, Mr. Chairman,  
25 before I make my comments, let me say that this has been



1 quite a day. I would like to compliment all of you who took  
2 time out of your busy schedules to be here today, to express  
3 your views on this critically important issue.

4 I am going to speak tonight from a California  
5 Resources Agency's perspective, how we view the toll road  
6 project. First of all, as the Governor said in his letter on  
7 January 15 to the Coastal Commission, many parts of Southern  
8 California are becoming known as traffic gridlock, for  
9 traffic gridlock and the crumbling roads, rather than for the  
10 magic of the coast line that have in this part of the state.

11 I sent a letter last week to the Commission  
12 indicating and stating generally that the severe weekend  
13 traffic congestion on Interstate 5 in southern Orange County  
14 serves as an impediment to many Southern California's 25  
15 million residents, out to enjoy the beauty of our magnificent  
16 coastline here in California. They should not have to suffer  
17 an intolerable commute for access to which all Californians  
18 are entitled.

19 So, what this issue really speaks to is the issue  
20 of access, and we have all heard the issue of access talked  
21 about at length today. It is not only a simple element, of  
22 course, in the Coastal Act, and we have heard reference to  
23 that often today, but it is critical to the mission of the  
24 work that the California Resources Agency does and many of  
25 our attendant departments. It is clearly our responsibility,



1 all of our collective responsibility, to protect San Onofre  
2 and Trestles, while at the same time understanding our need  
3 for additional improved infrastructure.

4 As California's Secretary for Resources said, I  
5 want to make it clear that our goal -- and I certainly agree  
6 with this -- is to protect San Onofre and Trestles. In fact,  
7 I not only have an interest in protecting that beach with the  
8 responsibility, of course, to the people of California, as  
9 does the Governor, to insure the protection of all San Onofre  
10 State Park. Of course, that includes the ocean, that  
11 includes the beach, the trails, the camping, and all that  
12 goes with it.

13 The toll road opponents have specifically cited  
14 impacts on the San Mateo Campgrounds, yet, the Transportation  
15 Corridor Authority provides strong measures to minimize these  
16 impacts on the campgrounds. We believe, firmly believe, that  
17 the campground will remain enjoyable, accessible, and open.

18 Let me go to the issue surrounding the Transport-  
19 ation Corridor Authority's offer for \$100 million for  
20 improvements. You heard it talked about today. My  
21 colleagues up here have spent some time talking about it.  
22 Their offer provides those dollars for park and natural  
23 resources improvement. Those improvements, of course, will  
24 greatly improve our coastal access and recreational  
25 opportunities here in northern San Diego land, and in



1 southern Orange County.

2 This is exactly the kind of public private  
3 partnership that will provide funds that could increase  
4 camping opportunities in San Onofre State Beach, in San  
5 Clemente State Beach, and at Crystal Cove State Park. In  
6 addition, the renovation of the historic cottages at Crystal  
7 Cove could be completed, and allocations could be made to  
8 enhance natural resources, and provide other much needed  
9 coastal access improvements.

10 As the Governor said, and as I have said, the  
11 offer comes at a very critical time. I think you all know  
12 the State Park System is facing enormous economic challenges.  
13 The state's deficit has required State Parks to propose the  
14 closure of 48 state park units, out of the 278 park units  
15 here in California, and the curtailment of services in many  
16 others. California also has a \$1 billion backlog for  
17 deferred park maintenance in this state.

18 In this era of certainly, this era of economic  
19 uncertainty, TCA's funding, of course, will go a long way to  
20 help support some of the much needed improvements to the  
21 California State Park System.

22 Let me go on to say that the Coastal Commission  
23 has recognized on many occasions over the years, that the  
24 Coastal Act allows the Commission to balance Coastal Act  
25 policies, improve transportation projects that impact



1 environmentally sensitive habitats. You will hear a lot of  
2 conversation about that this evening. I won't go on with  
3 that, other than to acknowledge that, again, to point that  
4 out, the importance of that balancing, as we take a look at  
5 these projects.

6 The Governor has promised the people of California  
7 that we would make the state's economy strong, while  
8 protecting our environment, and that healthy environments and  
9 a vibrant economy can, indeed, coexist in this state without  
10 having one sacrifice for the other. Time and time again, we  
11 have lived up to that. We have shown in this great state how  
12 we can do that.

13 In his letter he said:

14 "Rebuilding our critical infrastructures is  
15 one of the single most important steps we  
16 can take to keep California strong, and  
17 prosperous, and make our air cleaner,  
18 reduce green house gas emissions, and  
19 protect our unique quality of life that  
20 makes this great State of California one  
21 of the greatest places to live."

22 Therefore, Mr. Chairman, I would support the SR  
23 241, and its reinforced promises and commitments we have made  
24 to the people of California, and I, of course, on behalf of  
25 the California Resources Agency request the Coastal



1 Commission affirm TCA's consistency certification on State  
2 Route 241.

3 [ Audience Reaction ]

4 CHAIR KRUER: Hold it.

5 Thank you Secretary, Commissioner Chrisman.

6 [ Audience Reaction ]

7 Excuse me, excuse me, we are moving along.

8 Commissioner Blank, please.

9 COMMISSIONER BLANK: Thank you, Mr. Chairman.

10 You know, I don't have a speech, but I would like  
11 to get some questions clarified.

12 If I can, ask a few questions of Mr. Margro, CEO,  
13 do you mind if I -- just kind of help me through some of the  
14 things I read and were said here.

15 I was reading the page 66 of the summary document,  
16 part of the balancing argument on page ES14 of the EIS, which  
17 talked about a major evacuation route for San Onofre Nuclear  
18 Plant, but I was lead to understand that the operating  
19 license of the nuclear plant is contingent on having an  
20 approved evacuation plan, so has the federal state government  
21 declared that the San Onofre evacuation plan is inadequate?

22 MR. MARGRO: No, not that I am aware of, that they  
23 have done that, but I would like to elaborate a little bit?

24 COMMISSIONER BLANK: No, I think that answers that  
25 question.



1           The national security improvements on page 67,  
2   Camp Pendleton's realignment of interchange, relocation of  
3   San Onofre gate, is there any pre-control road requests to  
4   realign or relocate these gates prior to the toll road.

5           **MR. MARGRO:** I am sorry, I didn't catch the first  
6   part?

7           **COMMISSIONER BLANK:** On page 67 of the summary  
8   document, there is a set of national security improvements?

9           **MR. MARGRO:** Right.

10          **COMMISSIONER BLANK:** Were any of these  
11   improvements requested from Camp Pendleton and the Navy  
12   before the toll road? or are they, in fact, required because  
13   the toll road changes traffic conditions?

14          **MR. MARGRO:** I don't believe they are required  
15   because of the toll road changes. I believe they are  
16   required because of national security purposes.

17          **COMMISSIONER BLANK:** I see, okay.

18          Page 53 of the summary document, only 13 years  
19   remain on the state lease. I know you are familiar with  
20   *Government Code Title 10* that applies on procurement of real  
21   property and lease of non-excess property -- it is in your  
22   package that you provided.

23          And, this is public law enacted by the Congress,  
24   correct?

25          **MR. MARGRO:** Yes.



1                   **COMMISSIONER BLANK:** As you understand it.

2                   And, you are also familiar with this SECNAV  
3 instructions from the Secretary of the Navy, you included  
4 that as well, about how to implement that, correct?

5                   **MR. MARGRO:** Yes.

6                   **COMMISSIONER BLANK:** Okay.

7                   And, TCA's position, as I understand it, on page  
8 53 is the lease ends in 2021, correct?

9                   **MR. MARGRO:** Correct.

10                  **COMMISSIONER BLANK:** I mean, so I don't think you  
11 nor I have any idea of who the Secretary of the Navy is in  
12 2021, correct?

13                  **MR. MARGRO:** I don't.

14                  **COMMISSIONER BLANK:** Okay, neither do I.

15                  Are there any letters on file from the Navy,  
16 Marines, the Department of Defense, that this lease will not  
17 be renewed?

18                  **MR. MARGRO:** Not that I am aware of.

19                  **COMMISSIONER BLANK:** Okay.

20                  Has the Navy ever denied a lease for renewal of a  
21 State Park?

22                  **MR. MARGRO:** I can't answer that, I don't --

23                  **COMMISSIONER BLANK:** I believe the answer is "No".

24                  For the \$70 million which is part of the \$100  
25 million offer for State Parks, on page 63 of the summary



1 document, Section 26767 paragraph D Item 4 of that U.S.  
2 Government Code says payment has to be at fair market value,  
3 is that where the \$70 million came from? that estimate?

4 MR. MARGRO: Yes, that was our estimate.

5 COMMISSIONER BLANK: Great. So, that was your  
6 estimate. Was it State Parks estimate? or the Department of  
7 Resource? that was TCA's?

8 MR. MARGRO: No, that was ours.

9 COMMISSIONER BLANK: Did the Navy ask for this  
10 number?

11 MR. MARGRO: I'm sorry?

12 COMMISSIONER BLANK: Did the Navy ask for this  
13 number?

14 MR. MARGRO: No.

15 COMMISSIONER BLANK: So, it is just TCA's estimate  
16 of what it would cost?

17 MR. MARGRO: That is correct.

18 COMMISSIONER BLANK: Now, this is a lot of  
19 reading, but on the next page of this Title 10 about 7/8ths  
20 of the way down, there, in the language, it says,

21 "Notwithstanding subsection B4, the secretary  
22 may accept an amount that is less than the  
23 fair market value, if a public interest will  
24 be served as the result of the lease, and,  
25 (B) not compatible with the public benefit."



1           So, doesn't that mean there is a clear path for  
2 the lease to be renewed at some other price, possibly, than  
3 \$70 million?

4           **MR. MARGRO:** I would say that there is the  
5 possibility.

6           **COMMISSIONER BLANK:** Correct, and in fact, since  
7 the Navy didn't ask you for \$70 million, do you know how much  
8 the Navy charged the State Parks in 1971?

9           **MR. MARGRO:** Yes, I do.

10          **COMMISSIONER BLANK:** How much was it?

11          **MR. MARGRO:** One dollar.

12          **COMMISSIONER BLANK:** One dollar.

13          So, since the Navy didn't ask for \$70 million, and  
14 they leased it at what they might have thought was fair  
15 market value, or maybe they didn't even know what fair market  
16 value, or maybe it was worth \$1 for all of that property in  
17 1971, is it possible that they might ask for a dollar in  
18 2021?

19          **MR. MARGRO:** I guess they would have to follow the  
20 law that is in place, which says they have to make findings,  
21 if it is not fair market value.

22          **COMMISSIONER BLANK:** Right, or they could, again,  
23 have a public interest being served where they could decide  
24 that? is that correct?

25          **MR. MARGRO:** If the make findings of --



1                   **COMMISSIONER BLANK:** That's correct.

2                   So, it could either be some number between \$70  
3 million and \$1, correct?

4                   **MR. MARGRO:** It may very well be.

5                   **COMMISSIONER BLANK:** Yes, so that just brings me  
6 to the next point, the \$100 million State Parks restoration  
7 and enhancement package, actually includes \$70 million of  
8 that \$100, so that number is either \$70 million or it is \$1,  
9 right? somewhere in between? can we agree on that?

10                  So, it is possible that with a different  
11 administration in Washington, our parks and environment will  
12 get equal hearing with our military spending, and someone  
13 might think that the \$100 million proposal is really, at  
14 best, a \$30 million proposal?

15                  **MR. MARGRO:** I would look at it differently. I  
16 would say it probably could be \$100 million proposal for  
17 parks use.

18                  **COMMISSIONER BLANK:** Or \$30 million.

19                  **MR. MARGRO:** Or \$30 --

20                  **COMMISSIONER BLANK:** Right, and of that \$30 --

21                  **MR. MARGRO:** -- which would also benefit parks, as  
22 well, by --

23                  **COMMISSIONER BLANK:** Correct.

24                  **MR. MARGRO:** -- extending the lease.

25                  **COMMISSIONER BLANK:** Right.



1                   **MR. MARGRO:** If that were to happen.

2                   **COMMISSIONER BLANK:** And, let me just ask, because  
3 you came up with the \$100 million, is there a price list for  
4 State Parks?

5                   [ Audience Reaction ]

6                   **CHAIR KRUEER:** Hold on, hold on here.

7                   **MR. MARGRO:** Not that I am aware of.

8                   **COMMISSIONER BLANK:** Okay, neither am I.

9                   So, let me just move on, on the alternatives.

10 And, this one, I wasn't even aware of until I heard it here,  
11 is there a 1993 non-compete with CalTrans about the toll road  
12 not being able to -- or requiring CalTrans not to extend any  
13 freeway within 5 to 7 miles of the toll road?

14                   **MR. MARGRO:** That is one of the requirements.

15                   **COMMISSIONER BLANK:** Are there others?

16                   **MR. MARGRO:** There are others.

17                   **COMMISSIONER BLANK:** A short list? I don't want to

18                   --

19                   **MR. MARGRO:** a very short list. It expires in  
20 2020, it doesn't apply if Foothill South is not completed  
21 before 2012. It allows for all STIP, Measure M, and  
22 congestion management plans, rail, and required HOV safety  
23 and operational improvements are allowed.

24                   **COMMISSIONER BLANK:** Okay, thank you.

25                   And, under the current non-compete, can the I-5



1 expand today without compensation for the toll road?

2 **MR. MARGRO:** It could.

3 **COMMISSIONER BLANK:** Under what conditions?

4 **MR. MARGRO:** Under the condition that it did not  
5 effect the TCA's ability to make its debt service payments.

6 **COMMISSIONER BLANK:** Okay, which, today, that  
7 wouldn't be the case, would it?

8 **MR. MARGRO:** No, we are able to make --

9 **COMMISSIONER BLANK:** Oh, okay.

10 So, for jobs, you know, our union friends -- and  
11 by the way, for the union people here, I am a card carrying  
12 union member. I don't know how many others here are, but I  
13 am proud of it. My family has been in the unions for 70  
14 years, the Garment Workers Union starting in 1928, and I was  
15 raised in a union family. I am a proud member of the AFT  
16 Berkeley Local.

17 But, I think the proposal has made it sound like  
18 the proposal alternative is the only one that provides union  
19 jobs. Do you happen to remember how many jobs the current  
20 proposal provides?

21 **MR. MARGRO:** I think we estimated, including all  
22 jobs, somewhere near 20,000.

23 **COMMISSIONER BLANK:** Right, and when I read your  
24 own Table 4.27.1 from the final EIS - SEIR, it lists the  
25 number of construction jobs in that table?



1           **MR. MARGRO:** I believe so, I don't know the table,  
2 exactly, but --

3           **COMMISSIONER BLANK:** Okay, and what I found  
4 interesting, is all of the alternatives, from the arterial  
5 improvements, which offered 11,000 jobs, and the I-5 improve-  
6 ments, which your own numbers said 43,000 jobs, all offered  
7 union jobs. Is that -- I mean, it is your table, so I was  
8 just reading from it.

9           **MR. MARGRO:** Well, of course, any construction is  
10 going to require jobs.

11           **COMMISSIONER BLANK:** Well, I just wanted to make  
12 sure that the union understood that looking at alternatives  
13 did not mean that we did not want union jobs.

14           For traffic and circulation, this is the one that  
15 really confused me, in the EIS Section 3, the traffic and  
16 circulation for the approved FTC-S, are the traffic  
17 calculations, as submitted, for an 8-lane freeway? What  
18 would the traffic, or what was it submitted for? the traffic  
19 calculations?

20           **MR. MARGRO:** That I don't know, off of the top of  
21 my head. I would have to ask one of my colleagues.

22           **COMMISSIONER BLANK:** Is anybody here who can  
23 answer that? the traffic calculations?

24           **MR. THORNTON:** Commissioner Blank, Rob Thornton,  
25 counsel, the traffic calculations are not calculated on the



1 basis of a particular size; rather, they are based on the  
2 official demographic work cast and employment and job  
3 forecast, and that tells you what kind of load is going to be  
4 put on the system, and then from that you can decide to  
5 design the facility to accommodate the traffic that is  
6 generated.

7 So, you don't have traffic generation numbers  
8 generated by the size of the facility, but rather they come  
9 from the official demographic projections.

10 **COMMISSIONER BLANK:** Right, so let me be specific,  
11 the 4-lane calculation that I have heard, would be proposal  
12 that has been put on the table now, instead of the 6 or  
13 8-lane one, says that the traffic projections will exceed the  
14 capacity of a 4-lane road, so I am a little confused.

15 **MR. THORNTON:** The project was designed,  
16 initially, in this area --

17 **COMMISSIONER BLANK:** Yes.

18 **MR. THORNTON:** -- to be 4 lanes. There is another  
19 portion of the facility that is designed to be 6 lanes, as  
20 proposed north of Pico, and the confusion, Commissioner  
21 Blank, is because some of the opponents have been citing  
22 traffic statistics that relate to the northern portion of the  
23 facility, which is, indeed, the portion of the facility that  
24 is proposed and designed to be 6 lanes, to accommodate the  
25 anticipated traffic that would be required for 6 lanes.



1                   So, that might be the source of the confusion.

2                   **COMMISSIONER BLANK:** I am still confused, but  
3 given the later hour, I will just move on to my next to last  
4 question. We are almost done.

5                   I am pretty interested about the bond funding, and  
6 paying for the toll road, and I will just go through these,  
7 and stop me if I make a misstatement, and maybe you could  
8 just help me through this.

9                   So, if TCA raises the money to build two existing  
10 toll roads through bonds, is that correct?

11                  **MR. THORNTON:** Correct.

12                  **COMMISSIONER BLANK:** All right, Foothill Eastern,  
13 and San Joaquin Hills?

14                  **MR. THORNTON:** Yes.

15                  **COMMISSIONER BLANK:** Okay, and the bond for the  
16 toll road 241 South will be raised by Foothill East?

17                  **MR. THORNTON:** Yes.

18                  **COMMISSIONER BLANK:** Okay, and Citigroup, Bear  
19 Stearns, Goldman, and JP Morgan Chase, as co-managers?

20                  **MR. THORNTON:** Yes.

21                  **COMMISSIONER BLANK:** Okay, and \$927.5 million is  
22 the cost, as of last year, prior to raising this \$100 million  
23 additional, correct?

24                  **MR. THORNTON:** Yes.

25                  **COMMISSIONER BLANK:** If you add \$100 -- so I would



1     assume, next year you would go out and raise whatever that  
2     bond is, plus the \$100 million that you promised?

3             **MR. THORNTON:** Correct.

4             **COMMISSIONER BLANK:** But, does the extra \$70  
5     million then become excess cash that goes to the general  
6     operating fund?

7             **MR. THORNTON:** We would only raise the amount of  
8     money that we would need to build the road --

9             **COMMISSIONER BLANK:** And, then --

10            **MR. THORNTON:** -- whatever was required.

11            **COMMISSIONER BLANK:** But, we wouldn't know until  
12    2021 whether you would need that extra \$70 million, is that  
13    correct?

14            **MR. THORNTON:** Commissioner Blank, I think you are  
15    mischaracterizing the proposal.

16            **COMMISSIONER BLANK:** I am just asking the  
17    question.

18            **MR. THORNTON:** No, the question is there would be  
19    \$100 million raised for park improvements.

20            **COMMISSIONER BLANK:** Perfect, thank you.

21            **MR. THORNTON:** We have made that clear in our  
22    proposal --

23            **COMMISSIONER BLANK:** Thank you, I think you  
24    answered the question.

25            And, then, just in selling bonds, aren't the bonds



1 sold to the investors on the basis of the revenue TCA  
2 generates? or is a key component that bond buyers look at?

3 MR. THORNTON: Yes, yes.

4 COMMISSIONER BLANK: And, there are two sources of  
5 revenue, then, and again, this was a development fee of  
6 \$4,000 a house? is that -- or \$4,000 a --

7 MR. THORNTON: It depends on the house, and  
8 whether is commercial.

9 COMMISSIONER BLANK: Got it.

10 And, there were 14,000 houses projected in Mission  
11 Viejo, and I would times that times the development fee, is  
12 that correct? I mean, that is a revenue source.

13 MR. THORNTON: Yes.

14 COMMISSIONER BLANK: Whether, it is 2, or 1 of? I  
15 just didn't understand that before.

16 And, then, there is tolls on the road, right?

17 MR. THORNTON: That is correct.

18 COMMISSIONER BLANK: Tolls and in 2007 were about  
19 \$102.5 million net? is that about close, or almost close?

20 MR. THORNTON: Close.

21 COMMISSIONER BLANK: So, if you are selling bonds  
22 on the basis of toll road revenues, two alternatives:  
23 arterial roads, and the I-5 options don't generate revenues?  
24 is that correct?

25 MR. THORNTON: Correct.



1                   **COMMISSIONER BLANK:** When you did that analysis?  
2       So, if, somehow to conclude either of these alternatives  
3       would be the right thing to do for the region, you'd end up  
4       proposing something that your organization could not raise  
5       money for, in fact, that was your point, I thought, which was  
6       this was unfundable.

7                   **MR. THORNTON:** It was not we who proposed. It was  
8       the collaborative who --

9                   **COMMISSIONER BLANK:** Right.

10                  **MR. THORNTON:** -- did the work together.

11                  **COMMISSIONER BLANK:** Yes, but, unlike the other  
12       alternatives, these two alternatives would almost put you out  
13       of business, because they wouldn't generate revenue.

14                  **MR. THORNTON:** Well, I don't think we would go out  
15       of business. We still have two toll roads to --

16                  **COMMISSIONER BLANK:** Right, but, I mean, you  
17       couldn't -- you couldn't fund them, which was your point.

18                  **MR. THORNTON:** That is correct, we couldn't fund  
19       them on I-5 widening, that is correct.

20                  **COMMISSIONER BLANK:** So, you know, if you would  
21       tell Citi Group that we needed to raise money for I-5 or the  
22       arterial roads, without any revenue, they would tell you go  
23       take a hike, right?

24                  **MR. THORNTON:** They could.

25                  **COMMISSIONER BLANK:** I meant, that is what I



1 would.

2 So, wouldn't an outside observer assume that no  
3 organization would propose an alternate, or an alternative,  
4 that would put them out of -- at least, that part of the  
5 business? and, therefore, the dismissal of non-revenue  
6 alternatives under criterion 3,4, and 7 have something to do  
7 with keeping the organization?

8 MR. THORNTON: Again, it was the collaborative  
9 that recognized --

10 COMMISSIONER BLANK: It was the collaborative.

11 MR. THORNTON: -- of all agencies, yes.

12 COMMISSIONER BLANK: I just, again, I thought all  
13 of the alternatives that you guys analyzed that were revenue  
14 producing were incredibly creative and well done.

15 I thought the alternatives that didn't include  
16 revenue for you were almost a fore-gone conclusion, from an  
17 outsider's point of view.

18 The last one, for balancing -- and I am done with  
19 questions, thank you.

20 I guess this is my short period, a statement, this  
21 for me was the part that I guess closed the book for me.  
22 Unlike some of my fellow Commissioners -- or I am not sure,  
23 unlike some of my fellow Commissioners -- I believe the  
24 Governor's mission to build infrastructures for the state is  
25 correct. I believe the Governor has hit it out of the park



1 with most of his environmental initiatives, but as a Coastal  
2 Commissioner, I think, for me, the test on balancing is  
3 whether the proposal is an essential element of the project.  
4 And, I didn't hear a compelling story on public safety  
5 benefits, as acting as a major alternative evacuation route.  
6 I didn't hear that treating runoff for I-5, which I believe  
7 is incredibly creative, is unrelated to the project, does not  
8 meet the balance of the toll road, itself, and is not the  
9 fundamental purpose of the project.

10 I agree with fellow Commissioner Chrisman, I think  
11 the state has a real budget crisis, and in fact I believe our  
12 economy is going to get worse in the next few years, and the  
13 Resource Agency might actually have to close more parks, or  
14 cut staffing to do what they believe is right to manage the  
15 public trust. But, the parks will still be there, when the  
16 economy recovers.

17 Offers of money to buy a state park to run a  
18 freeway through it, and using an economic downturn to do so,  
19 can't buy balancing. I think, to be honest, this is the most  
20 embarrassing part of the proposal. I think our parks belong  
21 to all 34 million people in the state, until they all have a  
22 say in what to do with them, I am -- I don't feel that this  
23 is a proposal I could support under the Coastal Act.

24 Thank you.

25 **CHAIR KRUER:** Commissioner Blank, thank you.



1 Commissioner Reilly, then Commissioner  
2 Shallenberger.

3 COMMISSIONER REILLY: Thank you, Mr. Chair, and I  
4 will try to be brief.

5 Let me start where Commissioner Blank left off,  
6 which is looking at the value of the \$100 or whatever million  
7 dollar offer from the applicant, who correctly characterized  
8 as not mitigation, but simply an offer that has been made,  
9 and what is its real value, even though Secretary Chrisman  
10 did make reference to that.

11 We are well aware, where I live, that there is  
12 that huge problem with keeping parks open, both the state  
13 parks, and our regional parks, but you have to understand the  
14 nature of the problem. We have been relatively successful,  
15 and so has the state, in terms of borrowing one-time money to  
16 acquire land for parks. We have, even then, been relatively  
17 successful through bond actions, and what have you, of being  
18 able to develop those properties so people can enjoy them.

19 Where we have not been successful, at either the  
20 state or local level, is finding the dollars and the money to  
21 maintain and operate those facilities. And, from a budget  
22 perspective -- you know, I am sure the Governor's Office of  
23 Finance would agree with me on this -- you don't fund ongoing  
24 operations, and maintenance operations with one-time money.

25 And, so the value of that gift, or whatever you



1 want to call it, or that offer, is in my view, at least, very  
2 limited in terms of addressing the kinds of problems we have  
3 today, because we are not closing our parks, because we  
4 haven't developed them, or we don't have the facilities  
5 there, we are closing them, or proposing to close them,  
6 because we don't have the money to operate them and keep them  
7 open. And, this kind of an offer doesn't address that  
8 problem.

9           It has been an interesting hearing. I have been  
10 told I am facing my moral imperative here -- I am not sure I  
11 am willing to go there. We have been advised to vote with  
12 our head, and vote with our hearts -- and there may have been  
13 some other body parts I am forgetting -- but, let me tell you  
14 what we are supposed to do.

15           We are supposed to get a project and apply the  
16 plain language of the *Coastal Act* to see whether or not that  
17 project complies with the Act or not. That is our job.

18           And, a secondary thing that we do, and it is  
19 secondary, is that if we find out there are problems, our  
20 staff is usually very good at trying to suggest alternatives,  
21 or other ways to accomplish a project that would be  
22 consistent with the Act, but that is not really a mandate on  
23 the Commission. The primary mission of the Commission is to  
24 take a project, put it under review, and make a determination  
25 of whether or not it complies with the Act.



1           In doing that, I think we have responsibility to  
2 be professionally objective as we can be -- I will also  
3 remind our Executive Director of that -- and also don't think  
4 it is necessary in that process to demonize either applicant  
5 or opposition. I think that it doesn't serve us well to do  
6 that.

7           So, what are we looking at here? We really don't  
8 have a consensus between the opponents and the applicants on  
9 exactly what the impacts are with this project. There are a  
10 lot of testimony from both sides. But, we do have consensus  
11 on one issue, and that is that the applicant concedes that  
12 there are impacts, significant impacts, and they can't be  
13 addressed by mitigation alone, so they are asking us to find  
14 a way, under the *Coastal Act*, to make a finding that there is  
15 a conflict under the *Coastal Act* and to do balancing as a way  
16 of approving their project.

17           So, my perspective reflection is, if you wanted to  
18 do that could you do it? And, there I come back to our own  
19 findings by our staff, the advice we have received on the  
20 interpretation of the *Coastal Act*, and conflict resolution  
21 and balancing from our own counsel, and not the least of  
22 which the testimony, and memo from our former Chief Counsel  
23 Ralph Faust, who for 20 years advised this Commission, and  
24 for as many of those years that I have been on the  
25 Commission, as to the proper way of interpreting the *Coastal*



1 Act, and I think you have give weight greatly to that kind of  
2 advice, and those kinds of determinations.

3 So, I find that advice that you can't, in this  
4 particular project, in this particular case, reach a finding  
5 of conflict, or beyond that, find that it balances environ-  
6 mentally, to be compelling.

7 And, so, whatever the benefits of this project,  
8 unless the Legislature decides to change the explicit  
9 language of the Coastal Act, there is no legal way for us to  
10 concur with certification of this project.

11 Thank you, Mr. Chair.

12 **CHAIR KRUEER:** Thank you, Commissioner Reilly.  
13 Commissioner Shallenberger.

14 **COMMISSIONER SHALLENBERGER:** Yes, with the  
15 permission of the Chair, I would like to ask Wayne Donaldson  
16 to come back up here --

17 **CHAIR KRUEER:** Sure.

18 **COMMISSIONER SHALLENBERGER:** -- our State Historic  
19 Preservation Officer, for just a few questions?

20 **CHAIR KRUEER:** Sure.

21 **MR. DONALDSON:** I hope you are not as tired as I  
22 am, but, go ahead.

23 **COMMISSIONER SHALLENBERGER:** Well, first of all, I  
24 just want to thank you for coming, because as you know, and  
25 just to remind my fellow Commissioners, that in the Coastal



1 Act Section 30244, had you, the State Historic Preservation  
2 Officer, the person who actually identifies archaeological  
3 and paleontological resources for us -- this is not -- you  
4 are the person who identifies them, and that it is our job to  
5 make sure that reasonable mitigation measures are required.

6 So, thank you for coming, and let me just ask you,  
7 if you would -- you didn't have time in your testimony -- to  
8 please just briefly explain what Section 106, Consultation's  
9 Office is in the *National Historic Preservation Act*? what  
10 does that require?

11 MR. DONALDSON: Okay, just very simply, under the  
12 1966 *National Historic Preservation Act* it was set up that  
13 all federal undertakings, that either included federal money  
14 or federal properties, had to come through the local SHPO's  
15 office, and we have, basically, 50 SHPOs in all of the  
16 states, and 3 territories.

17 The reason why it comes to the SHPOs office,  
18 rather than just staying back in D.C. at the counsel level,  
19 is because we know the lay of our land a lot better, and what  
20 we do in Wyoming, versus what we do in Hawaii, what we do in  
21 Alaska, is all different than what we do in California.

22 So, in the initial consultation, they have to open  
23 consultation with the SHPO's office to look at the  
24 undertaking, and see whether or not that if there are any  
25 adverse effects, whether they could be mitigated, and there



1 are various levels of mitigation all the way from avoidance,  
2 to some of the mitigation measures that you heard tonight.

3 We also have a process that if we, in the State  
4 Office of Historic Preservation, cannot come to a consensus  
5 on the findings that the federal agency has, then we can,  
6 basically, close consultation and it moves up to the Advisory  
7 Counsel of Historic Preservation, which is sort of my dad  
8 back in D.C. They are people that are appointed by the  
9 President, and sit on a particular counsel, and they have  
10 quite a large staff back in D.C. which is not different than  
11 our staff that we have OHP, which has archaeologists and  
12 planners, and people like that.

13 And, then, they make a decision on that, whether  
14 or not they feel the property can go forward and go ahead and  
15 certify that.

16 I must say, that out of the 6,000 or so reviews  
17 that we do per year, on federal undertakings, in our office,  
18 alone is that we have only closed consultations in the last  
19 20-some odd years on only 6 projects.

20 This one has been very difficult for us, because  
21 the information that we keep asking, on whether or not the  
22 Panhe site and the Trestles are considered to be traditional  
23 cultural properties, we have gotten a push back, and we have  
24 gotten absolutely no cooperation except in probably the last  
25 3 to 4 weeks, where they finally just threw up their hands



1 and said, "Okay, Panhe is a traditional cultural property."  
2 But, there is no reports or anything to substantiated that,  
3 so we don't know what the range of it is. We don't know what  
4 it is contributing, or non-contributing. We don't know what  
5 the size of the area is, or anything else, and all we can  
6 basically hear is from the testimony that we have from the  
7 Acjachemen Nation that we have today.

8 **COMMISSIONER SHALLENBERGER:** So, okay, I guess  
9 that answers my next question. The status, the status, is it  
10 still open? and you don't actually have enough information at  
11 this point to make an opinion?

12 **MR. DONALDSON:** Yes, that is correct, and I did  
13 pass out -- besides my full testimony -- to you a letter that  
14 is dated yesterday, from the advisory counsel for the  
15 Historic Preservations, and I don't want to belabor this,  
16 because I know that we all are sort of tired, but we need to  
17 back up a little bit, because I do want to talk about these  
18 two traditional cultural properties, very quickly.

19 Most of the time, when you hear traditional  
20 cultural properties, you think of Native Americans. And,  
21 certainly the Acjachemen property that we are looking at, is  
22 there, but there is no mitigation for certain things that you  
23 have on traditional cultural properties.

24 In the case with the Acjachemen, they have been  
25 using this site for not only 8,000 years, but they practice



1 ceremonial stuff. They are known as star people. They  
2 practice their thing at night in a relatively calm area,  
3 where they have total vision of the stars, which is still  
4 pretty nice out there. And, those things are simply not  
5 mitigatable.

6 They are not like what we deal with in most of our  
7 cases, where we don't want to put a cell tower there because  
8 it interferes with the esthetics, or the sight of it, or we  
9 have to move a Victorian building because we are putting a  
10 freeway through it, so we put it on a site that similar with  
11 a similar orientation.

12 These things are simply not able to be mitigated.  
13 The gathering of the plants that they have for their  
14 ceremonial uses, and all of that, to be effected, and is  
15 effected only when it is 20 feet away. So, in terms of those  
16 traditional cultural properties, without us understanding and  
17 getting enough information to make, really, a decision on  
18 this, all we know is the impact from that freeway is sitting  
19 right on top of the site.

20 **COMMISSIONER SHALLENBERGER:** Let me ask you, just  
21 quickly -- and then I'll go back to the second part about  
22 Trestles -- your testimony, your written testimony to us, you  
23 believe it is potentially traditional cultural property.

24 Could you just expand a little bit on that? what  
25 you mean by that? and what it takes to determine that? and if



1 it is determined, then would this toll road negatively impact  
2 it?

3 **MR. DONALDSON:** Well, that could be a long answer,  
4 but for tonight, I will try to shorten it down.

5 **COMMISSIONER SHALLENBERGER:** It is a 3-part  
6 question, but each one could be short, if you could.

7 **MR. DONALDSON:** I'll certainly try.

8 A lot of us who are senior citizens sort of  
9 remember the surf movement in California, sort of beginning  
10 in the late '50s early '60s, when in fact that really is not  
11 true. Some of the slides I showed, go back to the early  
12 1930s for the Trestles site. When the Duke came over from  
13 Hawaii with his two brothers, he brought with him what were  
14 called planks at that time, later became guns, in terms of  
15 the surfing. When he came to Sano, he surfed that site,  
16 because he couldn't surf lower Trestles. Lower Trestles, the  
17 surf break was too big, and you had to have boards that were  
18 maneuverable.

19 So, as the technology changed, and as you see the  
20 culture of the people that were there, and have been we find  
21 1937 pictures of people playing ukuleles. We find the same  
22 surf guys there right now. We find them living out of their  
23 1936 Fords. We find them living out of the Volkswagens right  
24 now. We find the same access of going through the brush, and  
25 in fact, in the early days, the board were so heavy that you



1 would just hide them in the brush, because you couldn't carry  
2 them.

3 But, the surf scene in California sort of started  
4 pre-Giget, or post-Giget, basically in 1959, when the movie  
5 came out, by that time Trestles, Sano, Lowers, Uppers,  
6 Trestles, Middles all of these areas were considered to be  
7 the best surf sites in all of California, and in fact, to  
8 most sites that are in Hawaii.

9 The reason is because that surf break is  
10 considered to be one of the premier surf breaks throughout  
11 the world, in fact, the Association of the World Men's Title  
12 has chosen 10 sites throughout the world to hold these inter-  
13 national contests. This is the only site in the continental  
14 USA, the only site, because of its uniqueness.

15 This is not just another surf site. This is not  
16 just another visitation. This is the premier surf site. You  
17 mentioned Rincon. I have surfed Rincon, and I have surfed  
18 Trestles, they are not the same. Cobblestones are not lining  
19 it. The reason why the cobblestones come out there is  
20 because they were pushed out, and that is where the point  
21 break is.

22 So, this is a traditional cultural property that  
23 in 1959 we had about 5,000 surfers in the world.

24 **CHAIR KRUER:** Sir, I don't mind you answering  
25 Commissioner Shallenberger's question, but you can't make



1 another presentation.

2 **MR. DONALDSON:** Yes, I will just finish it out.  
3 Well, you know, you open the door, and you kind of --

4 But, anyway, by 1963, by 1963, four years later,  
5 we had over 2 million surfers. They created a culture, that  
6 not only was here, but people in Wisconsin were carrying  
7 boards on top of their ski racks. People in California were  
8 carrying boards on top of their cars, that had never even  
9 been in the ocean.

10 We nominated the Beach Boys House in Hawthorne, a  
11 site to the National Register. The Kennedy Cultural Center  
12 nominated Brian Wilson as leading a culture in Southern  
13 California. And, where did it all start? right here at  
14 Trestles.

15 **COMMISSIONER SHALLENBERGER:** Thank you.

16 **MR. DONALDSON:** So, the traditional property we  
17 want to have more input, we have gotten a lot of input, not  
18 only from staff, but from other people, but we have been  
19 ignored by the Federal Highway Administration because it is  
20 out of their APES, they won't even consider it, they have  
21 written it off. And, we can get anything from PCA.

22 So, we don't know the size of it. We don't know  
23 of the impacts. But, we certainly do know that it started  
24 right there.

25 **COMMISSIONER SHALLENBERGER:** Thank you, very much.



1 I appreciate it, and again I appreciate you coming, and look  
2 forward to seeing you in the future at some of our Commission  
3 hearings, thank you.

4 MR. DONALDSON: Thank you.

5 CHAIR KRUER: Thank you, for your testimony.  
6 Commissioner Shallenberger.

7 COMMISSIONER SHALLENBERGER: Yes, I just want to  
8 share with the Commission, before I became a State Coastal  
9 Commissioner, I had the pleasure of working for many, many  
10 years for the President Pro-Tem of the State Senate, on bills  
11 to try to protect Native American sacred sites.

12 I was pleased to see that in the front of the  
13 packet that we got from the city project, they inserted the  
14 earlier California laws and policies relating to California  
15 Indians, done by the California Research Bureau, and this was  
16 done at the request of the President Pro-tem at the beginning  
17 of our research on trying to protect sacred sites for Native  
18 Americans.

19 This is a rather grim research paper, and I urge  
20 all of you to read it, because it does have the history, some  
21 of the history, of how we, the government of California, have  
22 treated our Native Americans. That is background to where we  
23 are today.

24 One of the things I witnessed is part of working  
25 on a bill to protect Native American sacred sites is a huge



1 disconnect in understanding between the Native American  
2 culture, and the -- what would I call it? -- the rest of the  
3 culture of California. And, that disconnect came in -- even  
4 heard it here today, when someone said it was very similar to  
5 a church and a synagogue that should be protected, and yet  
6 what I learned and came to respect is that for the Native  
7 Americans, quite often, their sacred sites are different.  
8 They are absolutely tied to, and integral to a specific place  
9 on the earth.

10 Churches, Synagogues, and I believe Mosques can be  
11 moved. They can be moved, and they can be reblessed, or  
12 whatever that particular religion calls for, and the worship  
13 can go on in a different building in a different place. With  
14 the Native Americans, that is often not the case.

15 We have two sacred sites that have been designated  
16 by the Native American, or listed by the Native American  
17 Heritage Commission, in this area. The *Coastal Act* requires  
18 that we provide reasonable mitigation measures, and in this  
19 case, we have PCA asserting that they are reasonable.

20 But, this is the same bind that we have been in  
21 for generations and generations with our Native Americans.  
22 We cannot define for them what is reasonable to protect their  
23 sacred sites. And, for that, alone, I find this inconsistent  
24 with the *Coastal Act*.

25 But, let me go forward and say that we don't have



1 to find that this is consistent with the Coastal Act on all  
2 of the issues -- inconsistent with the Coastal Act on all of  
3 the issues that have been raised, in order to vote "No".

4 Each Commissioner only needs to find that it is  
5 inconsistent with the Coastal Act on one of the many issues  
6 that have been raised, in order to vote "No".

7 This question has come up over and over again,  
8 about balancing, and what I am really hearing from the  
9 project proponent is that they are asking us to balance their  
10 project with the policies in the Coastal Act, and as we heard  
11 from both our legal counsel, and our previous legal counsel,  
12 that this is not what the Act calls for.

13 And, the one issue -- the only issue that I find  
14 out there which is concedeable, that a project such as this  
15 could -- there could be a benefit, is on access, and yet,  
16 without an exception, I believe it is the people who oppose  
17 this project, who are actually the users of the state park,  
18 and the users of the beach, and the users of the surf, and  
19 they are not claiming inadequate access.

20 So, there are many others here, but again, I just  
21 wanted to remind everybody it only takes one of these issues  
22 to be inconsistent with the Coastal Act to vote "No", and  
23 absolutely, for me, just because the project's proponents  
24 says that their project will adequately protect sacred sites,  
25 when the Native Americans, whose sites they are, say it will



1 not, this project is inconsistent with the Coastal Act.

2 CHAIR KRUEER: Thank you, Commissioner Shallen-  
3 berger.

4 Commissioner Burke.

5 COMMISSIONER BURKE: I think they are apropos to  
6 the Native American, and I am looking forward to her caring  
7 about young Black children as much as she cares about Native  
8 Americans, because Black people didn't their own sites in  
9 America for 200 years.

10 But, I would like to call Ralph Faust, to clarify  
11 a point for me. Ralph, you know, we were here for a long  
12 time, and we went round and round, and you straightened me  
13 out many a time, so I want you to kind of help me out here,  
14 and straighten me out.

15 Now, the way I read the map, the state park runs  
16 all the way east and west, to Trestles. It is, what 25 miles  
17 long?

18 MR. FAUST: I don't know how long, but it runs  
19 from the shoreline well inland of the coastal zone.

20 COMMISSIONER BURKE: So, the I-5 is in it, right?

21 MR. FAUST: I believe it is.

22 COMMISSIONER BURKE: So, there is already one  
23 freeway in a state park.

24 MR. FAUST: Yes, that is correct.

25 COMMISSIONER BURKE: And a railroad in a state



1 park?

2 MR. FAUST: The railroad --

3 COMMISSIONER BURKE: I am trying to --

4 MR. FAUST: -- preceded the state park.

5 COMMISSIONER BURKE: I am trying to figure out, is  
6 the issue here that you can't have more than one freeway? or  
7 more than one interstate freeway? or you can't have more than  
8 one -- what is the issue here? because the pocket mouse that  
9 -- I am sure there are a few of those pocket mice smashed  
10 on the I-5, and I am sure there are a few Native American  
11 burial sites under the I-5, so I am trying to figure out how  
12 that got approved? when it got approved? under these same  
13 conditions that it was not a cataclysmic event.

14 MR. FAUST: My understanding is that both the  
15 railroad and Interstate 5 preceded the Coastal Act and  
16 weren't analyzed under those criteria.

17 COMMISSIONER BURKE: Right, and I agree with that,  
18 but we have a freeway in a state park, so how can it be set  
19 an issue for a bi-lateral freeway in the same park?

20 MR. FAUST: The job of the Commission, of all of  
21 you --

22 COMMISSIONER BURKE: Right.

23 MR. FAUST: -- is to analyze new development that  
24 is proposed, and weigh it against the standards of the  
25 Coastal Act --



1                   **COMMISSIONER BURKE:** Right.

2                   **MR. FAUST:** -- regardless of what may have  
3 occurred before this park was a park --

4                   **COMMISSIONER BURKE:** Right.

5                   **MR. FAUST:** -- you still need to look at --

6                   **COMMISSIONER BURKE:** Okay --

7                   **MR. FAUST:** -- a new road --

8                   **COMMISSIONER BURKE:** -- I got it.

9                   **MR. FAUST:** -- and analyze it against the Coastal  
10 Act.

11                   **COMMISSIONER BURKE:** That is why I asked you,  
12 thank you, Ralph.

13                   **CHAIR KRUEER:** Okay, don't move, Mr. Faust, because  
14 I just want to -- with the lateness of the hour, and I was  
15 going to talk about the alternative analysis, and talk about  
16 San Mateo Campground, and a lot of things, as I took my tour,  
17 and the hours that I was up there a couple of different  
18 times.

19                   But, I think for me, tonight, and today I  
20 appreciate the testimony from TCA and the opposition, but  
21 what has been very powerful, or the most powerful comments to  
22 me to deliberate on, I think, have been your comments.

23                   I want to ask you, again, you talked about you  
24 can't buy compliance beyond the scope of the Coastal Act  
25 policies, and no basis using conflict resolutions, et cetera,



1 but I think the one on the balancing, is the one, because if  
2 I can't get over that, I can't get over any of the other  
3 ones.

4 I think Commissioner Reilly and Commissioner  
5 Shallenberger had similar testimony, but would you please  
6 explain to me why none of these previous cases that were  
7 cited support balancing.

8 MR. FAUST: Just to be sure that I am understand-  
9 ing you, Mr. Chairman, you are talking about the North County  
10 Transit --

11 CHAIR KRUEER: Yes, the North County --

12 MR. FAUST: -- District, State Route --

13 CHAIR KRUEER: -- SR-56 --

14 MR. FAUST: -- 56, 152, and State Route 73 --

15 CHAIR KRUEER: -- any of those, yes.

16 MR. FAUST: Okay, those were the three that were  
17 presented in the recent submittal by TCA.

18 The North County Transit District cases were both  
19 very specifically balanced based upon specific policies in  
20 the Coastal Act that favor mass transit policies, and that  
21 talk about reduction of energy consumption, and reduction of  
22 vehicular miles traveled. Those were the principle basis  
23 upon which this Commission balanced the approval of those  
24 cases.

25 Inevitably, when you approve mass transit cases,



1 you are doing something, as well, about traffic congestion,  
2 and you are findings did discuss that. Unquestionably, you,  
3 the Commission discussed reduction of traffic congestions in  
4 those findings, but you did it in the context of approving a  
5 mass transit project, which is an entirely different basis  
6 for approval.

7 Second, on State Route 56, the balancing wasn't on  
8 traffic congestion. The balancing was on water quality, but  
9 the specific thing that I found most striking about the  
10 Commission's findings on State Route 56, is that the  
11 Commission found that the only way that they could approve  
12 that project was because this Commission had innumerous LCP  
13 and permit decisions prior to that point, recognizing and  
14 acknowledging that this middle segment of State Route 56  
15 would be completed.

16 The Commission specifically said that but for  
17 those prior decisions, where it recognized that highway, it  
18 could not approve that project, even with the water quality  
19 benefits that were proposed.

20 Last, on State Route 73, as I indicated earlier,  
21 the access that was balanced in State Route 73, had to do  
22 specifically with Pacific Coast Highway. That was the  
23 alternative at the time.

24 What the Commission found was that the impacts of  
25 not approving State Route 73, would impact directly upon



1 Pacific Coast Highway, the main artery along the coastal zone  
2 at that point, and, so to not approve the project would  
3 inevitably increase the traffic congestion on Pacific Coast  
4 Highway, and possibly force a widening of Pacific Coast  
5 Highway, which would impact directly both on those coastal  
6 communities, and on the access points that exist along the  
7 highway to the beaches, to the recreation areas. And, it was  
8 only upon that coastal zone access impact that you found a  
9 balancing.

10 The difference that I see between that case and  
11 this one here is that the access is not in the coastal zone,  
12 the benefits are not in the coastal zone. The benefits have  
13 to do with the traffic congestion outside of the coastal  
14 zone. That is what I see is the distinction.

15 CHAIR KRUEER: Thank you, very much. I think that  
16 was excellent clarification, and thank you for doing that.

17 MR. FAUST: Thank you.

18 CHAIR KRUEER: At this point, I would like the  
19 clerk to call the roll, on the question. The motion is  
20 asking for a "Yes" vote. The maker and seconder are asking  
21 for a "Yes" vote on the certification, for the consistency  
22 certification, and again, they are asking for a "Yes" vote.

23 COMMISSIONER BLANK: And, Mr. Chairman, at this  
24 hour, just let me make sure that staff is asking for "No"  
25 vote, is that correct?



1 CHAIR KRUER: That's correct, that is absolutely  
2 correct.

3 Okay, Clerk, call the roll.

4 SECRETARY MILLER: Commissioner Achadjian.

5 COMMISSIONER ACHADJIAN: No.

6 SECRETARY MILLER: No?

7 Commissioner Blank?

8 COMMISSIONER BLANK: No.

9 SECRETARY MILLER: Commissioner Burke?

10 COMMISSIONER BURKE: Yes.

11 SECRETARY MILLER: Commissioner Clark?

12 COMMISSIONER CLARK: No.

13 SECRETARY MILLER: Commissioner Kram?

14 COMMISSIONER KRAM: Yes.

15 SECRETARY MILLER: Commissioner Neely?

16 VICE CHAIR NEELY: No.

17 SECRETARY MILLER: Commissioner Reilly?

18 COMMISSIONER REILLY: No.

19 SECRETARY MILLER: Commissioner Shallenberger?

20 COMMISSIONER SHALLENBERGER: No.

21 SECRETARY MILLER: Commissioner Wan?

22 COMMISSIONER WAN: No.

23 SECRETARY MILLER: Chairman Kruer?

24 CHAIR KRUER: No.

25 [ Audience Reaction ]



1           **CHAIR KRUER:** Will you please quiet down. Excuse  
2 me, we have to --

3           **EXECUTIVE DIRECTOR DOUGLAS:** Quiet down, please.

4           **CHAIR KRUER:** -- hold on, hold on.

5           What was the vote? the consistency determination  
6 was rejected, but what was the vote?

7           **SECRETARY MILLER:** The vote was two, eight.

8           **CHAIR KRUER:** Two, eight, okay.

9           The meeting is adjourned, and we will see  
10 everybody at 8:00 o'clock in Oceanside tomorrow.

11 \*

12 \*

13 [ Whereupon the hearing concluded at 11:30 p.m. ]

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STATE OF CALIFORNIA                    )  
  )  
COUNTY OF MADERA                    )  
  )

SS.

Dated: February 10, 2008

Priscilla Pike  
PRISCILLA PIKE